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MISCELLANEOUS FISHERIES AND WILDLIFE LEGISLATION—1965

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HEARINGS BEFORE THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST SESSION
ON

FISHERIES LOANS

H.R. 4227, H.R. 5153, H.R. 6090, H.R. 6101, H.R. 6362, and H.R. 6921

MAY 27, 1965

HAWAIIAN NENE GOOSE

H.R. 505

MAY 27, 1965

PESTICIDE CONTROLS

H.R. 4157, H.R. 4158, and S. 1623

JUNE 22, 1965

ENDANGERED SPECIES

H.R. 9424 and H.R. 9493

JULY 15, 1965

LAND DISPOSAL—NATIONAL WILDLIFE REFUGE SYSTEM

H.R. 8807 and H.R. 8432

JULY 20, 1965

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MISCELLANEOUS FISHERIES AND WILDLIFE LEGISLATION—1965

FISHERIES LOANS

THURSDAY, MAY 27, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 10:50 a.m., pursuant to call, in room 1334, Longworth House Office Building, Hon. T. A. Thompson (chairman of the subcommittee) presiding.

Mr. THOMPSON. This morning, the Subcommittee on Fisheries and Wildlife Conservation will consider several bills having to do with the making of loans to fishermen for the purpose of financing operations, maintenance, replacement, repair, and equipment of fishing vessels and gear.

The Fisheries Loan Act, which was enacted in 1956 and expires next month, has been most helpful in upgrading and modernizing our fishing industry by providing financial assistance to an industry that until enactment of the 1956 act had not been able to obtain such assistance.

The bills to be heard this morning are identical and they are:

H.R. 4227, by Mr. Bonner; H.R. 5153, by Mr. Rivers; H.R. 6090, by Mr. O'Neill; H.R. 6101, by Mr. Tupper; H.R. 6362, by Mr. Keith; H.R. 6921, by Mr. Bates.

(The bills and agency reports follow:)

[H.R. 4227, H.R. 5153, H.R. 6090, H.R. 6101, H.R. 6362, H.R. 6921, 89th Cong., 1st sess.]

BILLS To extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(b) (1) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(b) (1)), is amended to read as follows:

“(1) Bear an interest rate of not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (2) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose.”

SEC. 2. Section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(c)), is amended to read as follows:

“(c) There is created a fisheries loan fund, which shall be used by the Secretary as a revolving funds to make loans for financing and refinancing under this

section. Any funds received by the Secretary on or before June 30, 1975, in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. The Secretary shall pay from the funds into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the total loans outstanding at the close of such year at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity during the last month of the preceding fiscal year. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. Any funds received in the fisheries loan fund after June 30, 1975, and any balance remaining therein at the close of June 30, 1975 (at which time the funds shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fisheries loan fund the sum of \$20,000,000 to provide initial capital."

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 25, 1965.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is enclosed a draft of a proposed bill to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956, and for other purposes.

We request that this proposal be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. sec. 742c) authorizes the Secretary of the Interior to make loans for the purposes of financing and refinancing the operations of commercial fishing vessels and the maintenance, repair, and replacement of such vessels and their gear. It also is intended to be used for research into the basic problems of the fisheries. The authority to make these loans is limited to situations where there is evidence that the applicant was otherwise unable to obtain financial assistance on reasonable terms. The objective of the program is to provide financial assistance to the commercial fishing industry for the purposes of upgrading or modernizing our fishing vessels and gear and thereby contributing to more efficient and profitable commercial fishing operations.

In order to carry out this program, a fisheries loan fund was established as a revolving fund. The fund initially had an authorization of \$10 million, but this was increased in 1958 to \$20 million. A total of \$13 million has actually been appropriated to the fund. The fund, however, will expire on June 30, 1965, unless extended by this proposal.

The program was initiated because long-term credit was generally not available to fishing vessel operators. The relative success of the program has encouraged a few banks to reenter the field of fishing vessel financing in the case of vessel owners having exceptionally good credit rating. Bank financing on reasonable terms, however, is still not available to many fishermen because of the hazardous nature of the fishery.

These lending institutions are generally not familiar with the problems of the industry and are unwilling to take the risks involved in long-term financing of fishing vessels and equipment. This program has filled this credit gap. It has enabled our fishermen to obtain this needed financing and to continue operating their vessels. We strongly believe it should be extended. U.S. fishermen are in constant competition with foreign fishermen for fish at fishing grounds where traditionally American vessels have, until recently, almost exclusively operated, and for markets in the United States. Imports constitute an increasing percentage of the total supply of fish marketed in this country. This dual impact on our fisheries has increased the need for reasonable long-term financing for fishing vessels and gear. Under the circumstances, we believe that our domestic fishing fleet should be given this assistance where possible in meeting such competition. The extension of this worthwhile program, as provided in the enclosed proposal, will continue to help many fishing vessels stay in operation.

As of July 31, 1964, the fisheries loan fund has provided needed financing for the replacement of 142 fishing vessels, the conversion of 25 vessels to purse

seiners, the rebuilding and repairing of 202 vessels, the reequipping of 209 vessels, and the purchase of 152 new engines. In addition, 280 vessel mortgages and lienable debts on 255 vessels were refinanced. Many of these loans were multipurpose loans. During the period, beginning after the date of enactment of this act through July 31, 1964, a total of \$15,774,000 had been loaned for these various purposes and \$8,530,000 had been repaid. The interest collected during this period amounted to \$1,766,000.

While the principal purpose of this proposal is to extend the fisheries loan fund program to June 30, 1975, the proposal also contains other technical changes in section 4 of the 1956 act which are designed to make the program conform to the guidelines adopted by the President on Federal credit programs.

The first of these changes removes the present minimum annual interest rate established by section 4 of the 1956 act and substitutes a formula for establishing the interest rate. This formula provides that the annual interest rate on each loan shall be a rate determined by the Secretary of the Treasury, taking into consideration the average cost of all outstanding interest-bearing public debt obligations of comparable maturity. The formula also provides that the rate may include an additional charge to cover administrative costs and prospective losses whenever the Secretary of the Interior determines that such an additional charge or portion thereof is consistent with the program objectives.

The second technical change provides for the annual payment into miscellaneous receipts of the Treasury from the fisheries loan fund of the interest on total loans outstanding at the end of the fiscal year at a rate determined by the Secretary of the Treasury, taking into consideration the average cost of all outstanding interest-bearing Treasury obligations of comparable maturity. We believe that this would result in a rate of about 4 percent.

Currently, the interest rate charged under the fisheries loan program is 5 percent. This rate has been sufficient for the past 3 fiscal years to cover all of the program's administrative costs of about 4 percent and annual losses incurred on individual loans. It is our intention to continue this charge. This will be sufficient to cover the payment into miscellaneous receipts of the Treasury and all future losses. It will not, however, cover administrative costs. Inasmuch as these administrative costs are now paid from the revolving fund, the principal of the fund will gradually be depleted and future appropriations to restore the principal may be needed.

As required by the act of July 25, 1956 (5 U.S.C. 642a), the enclosed statement has been prepared concerning the estimated additional man-years of civilian employment and expenditures for the first 5 years of the program to which this proposal relates.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

A BILL To extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(b)(1) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. sec. 742c(b)(1)) is amended to read as follows:

"(1) Bear an interest rate of not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (2) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose."

SEC. 2. Section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. sec. 742c(c)) is amended to read as follows:

"(c) There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before June 30, 1975, in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. The Secretary shall pay from the fund into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the total loans

outstanding at the close of such year at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity during the last month of the preceding fiscal year. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. Any funds received in the fisheries loan fund after June 30, 1975, and any balance remaining therein at the close of June 30, 1975 (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fisheries loan fund the sum of \$20,000,000 to provide initial capital."

U.S. DEPARTMENT OF THE INTERIOR

Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs

	19CY ¹	19CY+1	19CY+2	19CY+3	19CY+4
Estimated additional man-years of civilian employment:					
Executive direction.....					
Administrative services and support:					
Legal.....			1	1	1
Clerical.....				1	1
Total administrative services and support.....			1	2	2
Substantive (program):					
Loan examiners.....		3	3	3	3
Fishery specialist.....			1	2	3
Clerical.....			1	2	3
Total substantive.....		3	5	7	9
Total, estimated man-years of civilian employment.....		3	6	9	11
Estimated additional expenditures:					
Personal service.....		\$30,000	\$55,000	\$80,000	\$100,000
All other.....	\$1,600,000	1,600,000	1,632,000	1,632,000	1,632,000
Total, estimated additional expenditures.....	1,600,000	1,630,000	1,687,000	1,712,000	1,732,000

¹ Current year refers to fiscal year 1966 as bill would take effect July 1, 1965, if passed.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., May 11, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 4227, a bill to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956, and for other purposes.

The proposed legislation would amend section 4 of the Fish and Wildlife Act of 1956 to (1) extend the fisheries loan program for 10 years to June 30, 1975; (2) change the statutory interest rate provision on fishery loans from a flat 3-percent floor to "an interest rate of not less than (1) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (2) such additional charge, if any, toward covering other costs of the program as the Secretary [of the Interior] may determine to be consistent with its purpose"; and (3) provide for annual payment, from the fisheries loan revolving fund into miscellaneous receipts, of interest on the amount of loans outstanding at the end of each fiscal year, the interest rate to be determined on the basis of the market yield on Treasury obligations of comparable maturity during the last month of the preceding fiscal year.

While the Department has no independent knowledge as to the need for the extension of the fisheries loan program, the changes in the interest rate provisions of the Fish and Wildlife Act that would be made by the bill would make the loan program conform to the recommendations of the President's

Committee on Federal Credit Programs and the Department recommends their adoption.

The Department would like, however, to suggest a technical amendment to section 4(c) of the Fish and Wildlife Act as it would be amended by section 2 of the bill. Under the second sentence of section 4(c) as presently written, the fisheries loan fund would pay interest to the Treasury on loans outstanding at the close of the fiscal year. The Department recommends that the following language be substituted for that sentence: "The Secretary shall pay from the fund into miscellaneous receipts of the Treasury, at the close of each fiscal year, interest on the cumulative amount of appropriations available as capital to the fund from and after July 1, 1965, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yields during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund." This recommendation has the approval of the Department of the Interior.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH, *General Counsel.*

Mr. THOMPSON. The Chair might say at the outset that this program has been very successful. I think that some amount over \$13 million has been utilized for these purposes. Even if the act does expire, we are faced with a situation where we are probably importing 68 percent of the fish utilized in this country, industrially or otherwise, and it is extremely urgent that we continue this authority.

The Chair might suggest to any witnesses that this subject has been heard at great length before by the subcommittee and the full committee, so we need to take only a few minutes to hear testimony as to how this program is operating in order to give the subcommittee time prior to the House going into session to go into executive session because of the urgency of the situation.

The first witness this morning is our friend and colleague on the subcommittee, the gentleman from Massachusetts, Hon. Hastings Keith.

STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KEITH. Thank you, Mr. Chairman. As a member of the subcommittee and a cosponsor of the legislation now under consideration, I don't feel that it is either necessary or appropriate for me to make a lengthy statement in behalf of H.R. 4227 and the several companion bills before us.

I do have several comments, however, and I appreciate this opportunity to state my views for the record.

The fisheries loan program had the purpose of upgrading and modernizing the commercial fishing fleet of the United States and to contribute, therefore, to more efficient and profitable fishing operations in this country. There are objectives not only in the interest of the domestic fishing industry but in the national interest as well.

The facts will prove that the program has been successful, and that it has been well received by the fishing industry. Witnesses from the Bureau of Commercial Fisheries, I am sure, will be able to provide us with complete information as to the number of loans which have been made under the program and how many vessels have been, as a

consequence, replaced, rebuilt, repaired, or reequipped with new gear or new engines. We have good reason to believe that without this program many of these vessels would have been lost forever to our diminishing fishing fleet.

This subcommittee has been dedicated to the revitalization of the American fishing industry because we know of its important role in our national economy and of the thousands of jobs it provides and the millions of dollars it pours into communities on every coast in many inland States. We know, too, that this industry has suffered tremendously from the impact of foreign competition and, unfortunately, from some of the foreign and domestic policies of its own Government.

Every member of this subcommittee yesterday received a news release from the Department of the Interior, noting that the United States imports more than half of the fisheries products it uses. I quote from that release:

Secretary of the Interior Stewart L. Udall said today (March 26) the United States continues to be the world's largest importer of fishery products, despite vast unused resources available in waters usually fished by U.S. fishermen.

Mr. Chairman, each year the importer takes a bigger slice of our fishery market and each year it is more difficult for the American fisherman to make a decent living in a demanding and hazardous and, I think, necessary business.

The fisheries loan program obviously isn't the whole answer to the problems faced by our fishermen, but it is a proven program and one that is of slight cost to the Federal Government. Coupled with the Fishing Fleet Improvement Act of 1964 and other assistance programs, including some now in the proposal stage, the fisheries loan program can continue to contribute significantly to the rebuilding of this economically and strategically important industry.

As you know, the present authorization expires June 30. I, therefore, respectfully urge enactment of H.R. 4227 before this deadline so that the achievements of this sound program may continue uninterrupted.

Thank you.

Mr. THOMPSON. Thank you, Mr. Keith, for your very informative statement.

Next, I would like to call on our close friend and colleague from Alaska, Hon. Ralph J. Rivers.

STATEMENT OF HON. RALPH J. RIVERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mr. RIVERS. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to be heard on H.R. 4227, a bill by our distinguished colleague, Herbert C. Bonner, which would amend the Fish and Wildlife Act of 1956 by extending its loan program authority until 1975. I appear as a witness in favor of said bill, which is identical to my own bill, H.R. 5153, now pending before this subcommittee.

This legislation is aimed at assuring loans for the continued upgrading and modernization of the commercial fishing fleet of the United States. If enacted, it would continue to limit loans from an existing revolving fund to applicants unable to secure financial assistance from other sources at reasonable rates. This program has filled the credit gap and has been of immeasurable value to the fish-

ing industry. Indeed it is no exaggeration to say that in many cases it has meant the difference between continued operation for a boatowner or the loss of a vessel to the fleet and the loss of the jobs of many Americans.

The effectiveness of this program and its contribution to the economic welfare to my State of Alaska is indicated by statistics from the Bureau of Commercial Fisheries: Since the program was started, and as of April 30, 1965, the Bureau reports that 189 loans had been made to Alaskans through its Alaska office, totaling \$1,824,000. Additionally, it is estimated that between 40 and 50 loans have been made to Alaskans through the Seattle office of the Bureau of Commercial Fisheries.

The fishing vessel loan program is a valuable one, and almost self-sustaining, the percentage of bad debts being less than 1 percent of the average annual outstanding balance of loans. It is essential that the program be renewed prior to June 30—its expiration date under existing law, and I urge, therefore, that the subcommittee report favorably upon H.R. 4227.

Thank you, Mr. Chairman, and other members of this subcommittee, for your courteous attention and consideration.

Mr. THOMPSON. Thank you, Congressman for a very fine statement.

Our next witness is the Honorable William Bates. Please proceed, Mr. Bates.

STATEMENT OF HON. WILLIAM H. BATES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. BATES. Mr. Chairman and gentlemen of the committee, it is my privilege to appear before you today in support of my bill, H.R. 6921, and companion measures under consideration to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under section 4 of the Fish and Wildlife Act of 1956.

The fact that the existing authority expires on June 30 of this year, exactly 34 days from today, emphasizes the urgency of the earliest possible action by your committee and the Congress. I am confident that the recommendations of the Interior and Treasury Departments and the Director of the Bureau of Commercial Fisheries have comprehensively spelled out the need and desirability of retention and continuance of this program. Yet, I feel that its proven benefits merit my urging you to act favorably and with a minimum of delay on its extension.

Since its inception, hundreds of fishing vessels have been built, replaced, modernized, repaired, reequipped, or refinanced through the fisheries loan fund. In the New England area alone there have been approximately 200 loans, with a commitment of about \$5 million, and there are many who can vouch for the benefits derived in the fishing city of Gloucester, Mass., which I represent, and where the Bureau of Commercial Fisheries maintains its regional office and laboratories.

The fisheries loan fund has been the means of keeping small fishing boat operators in business where they could not afford the higher interest rates and short-term loan conditions of private financing sources. While the relative success of this program has encouraged a few banks to reenter the field of fishing vessel financing in cases of boatowners with exceptionally good credit ratings, private financing on reason-

able terms still is not available to many fishermen because of the hazardous nature of their vital business.

Inasmuch as fishing is such an important part of the economy of my congressional district, I am particularly conscious of the need for every bit of assistance we in Washington can give to our fishermen. I am also convinced that our Federal fisheries loan program affords a valuable segment of that assistance. Moreover, although less than \$14 million has thus far been appropriated into this revolving fund I believe that its potential warrants continuance of the existing \$20 million authorization.

I hope, therefore, that you will agree with me that this portion of the Fish and Wildlife Act has well justified its extension for another 10-year period—and that the June 30 deadline on the life of the current fisheries loan fund authority will prompt your subcommittee to make an immediate recommendation to the full Committee on Merchant Marine and Fisheries for an early report to the Congress.

I thank you for your attention and consideration of this matter.

Mr. THOMPSON. The Chair commends the gentleman on a fine statement.

Next I would like to call Congressman O'Neill, also from Massachusetts.

STATEMENT OF HON. THOMAS P. O'NEILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. O'NEILL. Thank you, Mr. Chairman, for this opportunity to present this brief statement.

The fisheries loan fund, which was established by section 4 of the Fish and Wildlife Act of 1956, is due to go out of existence at the end of June. This has been one of our more successful programs for assisting the fishing industry and it is essential that it be continued. This loan fund was established in order to enable fishing vessel operators who were unable to obtain long-term credit from any other source to obtain this from the Department of the Interior. The need still exists for this for the same reason that existed when the Fish and Wildlife Act of 1956 was passed.

The Department has received and processed over 1,600 applications for loans totaling over \$42 million. They have approved about 850 loans totaling over \$19 million. This has been a loan program with over \$9,500,000 in principal collected to date along with nearly \$2 million in interest. Losses in the program have been kept to a minimum and have totals less than 1 percent of the outstanding balance each year. Consequently, the cost to the Government has been negligible in terms of the results received.

Without this type of assistance many of the 850 operators who have received loans would have been forced out of business increasing unemployment not just to their vessel crews but also among firms supplying and servicing the vessels and among processing plants who purchase their catch.

Mr. THOMPSON. Thank you, sir, for giving us your statement on this very important matter.

The Chair will hear from Mr. McKernan.

**STATEMENT OF DONALD L. McKERNAN, DIRECTOR, BUREAU OF
COMMERCIAL FISHERIES, DEPARTMENT OF THE INTERIOR**

Mr. McKERNAN. Thank you, Mr. Chairman. Your excellent statement concerning the loan program makes it unnecessary to review the history of this program and, therefore, I would like to submit my statement for the record, make a few brief remarks about some of our ideas of the extension of this program, and then perhaps there may be a few questions.

Mr. THOMPSON. Without objection, the statement may be filed.
(The statement referred to follows:)

**STATEMENT OF DONALD L. McKERNAN, DIRECTOR, BUREAU OF
COMMERCIAL FISHERIES, DEPARTMENT OF THE INTERIOR**

Mr. Chairman and members of the committee, I am happy to have the chance to speak to you about H.R. 4227, introduced to provide for the extension of the operations of the fisheries loan fund. This has been a very successful program and we strongly recommend its continuance.

The fisheries loan fund was first authorized by section 4 of the Fish and Wildlife Act of 1956. It provides authority for making loans for financing and refinancing operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of the fisheries. Loans made under this authority are required to have an interest rate of not less than 3 percent per annum and to mature in not more than 10 years. In addition, no loan can be made unless the applicant has applied for reasonable financial assistance and has been advised that assistance is not otherwise available on reasonable terms.

The act created a revolving fisheries loan fund which will terminate on June 30, 1965, at which time all remaining moneys in the fund are due to be covered into the Treasury as miscellaneous receipts. Initially, the act authorized an appropriation of \$10 million to the fund. This authorization was later increased to \$20 million. A total of \$13 million has actually been appropriated for the fund. There is approximately \$6 million available in the fund for loans at the present time.

Through March 31, 1965, more than 1,600 applications for over \$42 million have been received. A total of 849 applications for approximately \$19 million have been approved and 411 for about \$9,600,000 have been declined. Thirty-one applications for \$600,000 were being processed and the balance had either been withdrawn or found ineligible. During the period this law has been in force, over \$9 million of the principal amount of the loans has been repaid and accrued interest has totaled over \$1,900,000.

Our estimated losses because of bad debts have been \$320,000. Over an 8-year period this has amounted to an average of \$40,000 per year, which is less than 1 percent of the average annual outstanding balance of loans. We have been charging an interest rate of 5 percent on all loans made under this act, except on loans made after the Alaskan earthquake of March 1964 for disaster relief to the Alaskan fisherman. The Alaskan loans were made at a rate of 3 percent. This has generally left us approximately 4 percent of the outstanding balance which, in recent years, has been sufficient to cover administrative expenses. Our losses generally were greater on our earlier loans and the outstanding balances during the first few years were not sufficient to provide interest income to cover our administrative expenses. We are gradually making up these losses and within a few years we would expect to have recovered in interest payments all administrative expenses and losses.

H.R. 4227 extends the life of this highly successful program to June 30, 1975. Unless this bill is enacted by June 30 of this year the fund will cease to exist.

H.R. 4227 also removes the present minimum annual interest rate of 3 percent and substitutes a formula for establishing the interest rate. This formula provides for the annual payment into miscellaneous receipts of the Treasury from the fisheries loan fund of the interest on total loans outstanding at the end of the fiscal year at a rate determined by the Secretary of the Treasury, taking into consideration the average cost of all outstanding interest-bearing Treasury obligations of comparable maturity. At the present time this would result in a rate of about 4 percent to be paid to the Treasury.

We would anticipate that the interest rate charged on the fisheries loan program would remain at 5 percent. This will be sufficient to cover the payment into miscellaneous receipts of the Treasury and all anticipated future losses. It will not, however, cover all administrative costs. Inasmuch as these administrative costs are now paid from the revolving fund, the principal of the fund may gradually be depleted and future appropriations to restore the principal may be needed. We do not, however, anticipate this as an immediate need and it may not be required for a number of years.

The U.S. fishing fleet is generally composed of old and obsolete vessels. The high costs associated with the operation of vessels of this type contribute to the difficulties our fishermen have in competing with imported products. Nevertheless, the present vessels must be kept in operation until new, modern replacements can be obtained. To do otherwise would cause a general loss of traditional markets to imported products and cause unemployment among not only the vessel crews, but also the suppliers and those engaged in processing the catch. Over 800 vessel operators have received financial assistance from the program during the last 8½ years. As these vessel owners were unable to obtain financial assistance from any other source, it is reasonable to conclude that many of them would have had to go out of business if the loan fund had not been available.

We are sometimes asked to explain why a fund of this type is required when we have two other financial assistance programs. These other programs are the fishing vessel construction subsidy program which was recently expanded and extended to 1969 and the mortgage insurance program. The construction subsidy program provides for the payment of construction differential subsidies on the construction of new vessels which meet very rigid requirements. The mortgage insurance program also provides primarily for the construction of new vessels, although reconstruction and reconditioning of other vessels may sometimes be included. These two programs can assist greatly in promoting and upgrading our fleet and enabling it to meet foreign competition. However, the problem of financing or refinancing maintenance and repairs to older vessels still remains, as the vast majority of banks and other commercial lenders are unwilling or unable to make long-term loans on fishing vessels. In most cases banks restrict their loans on collateral other than real estate or insured mortgages to about 3 years. Consequently, it is impossible for them to assist vessels requiring major repairs or refinancing because the vessels cannot repay the loans within that short a period. As a result, most lending institutions, which generally are not familiar with the problems of the industry, are either unwilling or unable to take the risk involved in long-term financing of fishing vessels and equipment.

On May 10 the Secretary submitted a proposal for an additional amendment to the authorization for the fisheries loan fund, and we were later advised by the committee that this proposal would be considered at these hearings.

Under the present law a loan can be made for a new or used commercial fishing vessel only when it to be used as a replacement for a fishing vessel that is then operating in the fleet or has been lost. The proposal as submitted on May 10 would authorize the Secretary to make loans for the purchase or construction of a commercial fishing vessel without regard to whether the vessel will replace an existing vessel. However, in making a loan where the vessel will not replace an existing vessel, the Secretary must determine that the operation of the vessel in a fishery will not cause economic hardship or injury to the efficient vessel operators already operating in that fishery.

Under this proposal the Department could provide assistance in financing the sale of a used vessel when the seller was interested in obtaining a larger, more modern vessel and needs to sell the older vessel in order to obtain a downpayment for the new vessel. This will also assist younger fishermen in obtaining their first vessel. The authority to make these loans would be limited to situations where there is evidence that the applicant is unable to obtain financial assistance on reasonable terms from other sources.

In most instances, the mortgage insurance program could be used to finance the construction of new vessels although this is not always the case. Consequently, this authority would be used primarily to assist younger fishermen in obtaining their first vessels or older fishermen in financing the sale of their older vessels. This will contribute to the upgrading and modernization of the fleet and will encourage young men to enter the fishery. Both of these objectives will aid the fishing industry in its present struggle for survival.

In order to continue the fishery loan assistance, we strongly recommend that these proposals be enacted.

Mr. THOMPSON. Proceed.

Mr. McKERNAN. The fisheries loan fund was first authorized by section 4 of the Fish and Wildlife Act of 1956. It provided authority for making loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of the fisheries.

The primary bill before you, Mr. Chairman, H.R. 4227, extends the life of what we consider to be a highly successful program to June 30, 1975. Unless this bill is enacted by June 30 of this year, the funds will cease to exist, as the chairman has pointed out.

Mr. Chairman, in addition to extending the bill, on May 10 the Secretary submitted a proposal for an additional amendment for the fisheries loan fund and we were later advised by the committee that this proposal could be taken up at this hearing, also.

Now, this original proposal by the Secretary was a fairly simple one, Mr. Chairman.

Under the present law, the existing loan law, a loan can be made for new and used commercial fishing vessels only when the vessel is to be used as a replacement for a vessel that is then operating in the fleet or has been lost.

Now, the proposal that the Department submitted would authorize the Secretary to make loans for the purchase or construction of a commercial fishing vessel without regard to whether the vessel will replace an existing vessel; but, in making a loan where the vessel is an addition rather than a replacement, the Secretary must determine that the operation of the vessel in the fishery will not cause any economic hardship to the already efficient operators operating in that fishery.

Then, Mr. Chairman, following the Senate hearings that were held recently on this same proposal, the Department was asked to furnish the Senate committee a drafting service which would combine the provisions of the Senate bill, and that Senate bill was similar to the bills before you today, with the Department proposal to extend this to the purchase of vessels.

Mr. THOMPSON. At this point in your statement, it has been indicated to the Chair that the gentleman from Washington in the other body introduced certain amendments.

Mr. McKERNAN. Yes. Do you mean in the Senate?

Mr. THOMPSON. In the Senate.

Mr. McKERNAN. We understand, Mr. Chairman, although we have not seen the report, that the drafting service prepared by the Department, a copy of which came to this committee, was adopted by this Senate Commerce Committee and will be reported out by that committee as it was drafted by the Department.

That is our understanding.

Mr. THOMPSON. The Chair mentions this inasmuch as it seems to recall that, in prior hearings, there was some objection from west coast fishermen in regard to certain competition being created, and I wonder if you would know whether that has been resolved and agreed upon by at least the major fishing industry?

Mr. McKERNAN. The major objections on the Pacific coast concerned the construction subsidy bill which this committee passed and which Congress passed last year. Incidentally, this construction subsidy bill has been in operation and, generally speaking, the people, the fishermen and vessel owners throughout the country, are finding its operation satisfactory.

There has been some question raised but, out of 28 applications so far, I believe only 1 has been contested. We do hold hearings on these under the Administrative Procedure Act.

One has been contested so far, but the problems are nowhere as great as they might have been had there been any substantial opposition.

Now, generally speaking, the fishermen and boatowners around the country did not object to the loan fund and, in fact, have found it very, very useful in keeping up, in maintaining their vessels, and in replacing those that have been lost.

Mr. THOMPSON. At that point, if they have been satisfied with the operation of the loan fund—and I feel that they should be, but the Chair wants to be certain that there will be no area of opposition to this amendment being considered.

Mr. McKERNAN. To my knowledge, there is no opposition to this suggestion, Mr. Chairman.

Mr. THOMPSON. Proceed.

Mr. McKERNAN. Now, the drafting service that we have supplied to this committee tends to extend these provisions to the purchase of new and used vessels, not only ones that have been lost but additional vessels to the fleet.

In addition to this, they tend to tighten up the provisions of the act and add certain features which the Department has adopted as regulations, but which are not part of the present law.

Some of these questions were raised in the Senate and we have decided simply to add those to the law, seeing no great disadvantage to them and considering that the Congress might well wish to have these provisions added.

So that, the draft bill that was supplied to the Senate does extend the authority to the purchase of vessels and tends to tighten up the law itself, although most of the provisions provided were already regulations of the Department.

There is one other minor addition. I consider it a minor addition.

Mr. THOMPSON. On the point of regulation, I want to show this in the record at this time. Do these regulations extend to the authority of specifying the type of personnel to be employed aboard the boats, there are basic qualifications, and such?

Mr. McKERNAN. For example, it relates to citizenship, if that is what you were asking about.

Mr. THOMPSON. I mean other than citizenship, which might be a determining factor as to the ability of the seamen or the navigator?

Mr. McKERNAN. Yes; it does.

Mr. THOMPSON. Would that conflict with the Coast Guard responsibilities?

Mr. McKERNAN. I beg your pardon, Mr. Chairman.

Mr. THOMPSON. Would this interfere with the Coast Guard operation and responsibility in the licensing of pilots?

For example, one of the amendments provides that the applicant shall possess the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain new or used commercial fishing vessels and gear.

Mr. McKERNAN. That means simply that it would make sure that experienced fishermen were provided the funds and, in a sense, eliminate the possibility of speculators and inexperienced people coming in under this particular provision.

The draft bill that has come out of the Senate, we understand, provides for an extension of the program for 5 years, but the Department's recommendation is for an extension of 10 years, Mr. Chairman. So that, the only difference in the Department's position, approved by the Bureau of the Budget, and the Senate bill, which we understand has been passed by the Commerce Committee, is that the Senate version provides for a 5-year extension and the Department's recommendation is for a 10-year extension. That is the only difference.

I think, Mr. Chairman, that in view of the time element that the chairman pointed out, I will just make myself available for any questions in this regard.

Mr. THOMPSON. Are there any questions?

Mr. DOWNING. No questions.

Mr. THOMPSON. Mr. Pelly.

Mr. PELLY. I would like to ask Mr. McKernan about the language which is in the draft bill. Is that the language which you indicated, according to your understanding, had been approved by the Senate committee?

Mr. MCKERNAN. Yes.

Mr. PELLY. In other words, this is a new proposal as far as your Department goes, dated May 10, and does this language as given in this bill superseded any other proposed action that you recommended to this committee?

Heretofore you approved the extension of the law. Now you are sending over language which was sent to the Senate, too, I take it?

Mr. MCKERNAN. This combines these, Mr. Pelly. It does not really supersede them. It simply combines the legislation and the bills which have been introduced here in the House with the additional proposals that have been suggested in the Senate and recommended by the Department.

Mr. PELLY. In effect, the language in this proposed bill would allow the Department to finance new fishing vessels regardless of whether they were replacing the older vessels or were simply to add to our fishing fleet?

Mr. MCKERNAN. Yes; and we see this as an advantage in two areas: One, a young man just getting started oftentimes does not have the financial resources to put up money enough for a construction of a new modern fishing vessel which would, for example, qualify under the Construction Act, and this, then, would allow him perhaps to purchase a vessel from a more experienced fisherman who was well established, but he wanted to build, perhaps, a newer vessel.

This would in a sense, in our view, supplement existing legislation quite well and fill in what we consider to be a gap in the present financial program that Congress has provided fishermen in recent years.

Mr. PELLY. The Department certainly is aware that there are going to be a considerable number of fishermen or groups that will not approve of this because they feel that already we have too many fishing boats, and they feel that the problem of the fishing industry is of too much fish and too low price, is that not right?

Mr. MCKERNAN. We do not feel that this particular proposal will cause the same kind of objections that were caused by the Construction Subsidy Act because in this case there will not be a change in the value of the vessel, you see.

In fact, one might consider that the value of the vessels might even increase because there would be more competition for them.

Mr. PELLY. Yes. And one objection, of course, to a subsidy was the fact that it gave your competitor an advantage over you because his boat was subsidized and your boat was not.

Mr. McKERNAN. Yes; and this will not do this.

Mr. PELLY. On the other hand, there are certainly fishermen's organizations that feel that their problem today is one of too many fishing boats and too much fish and, as a consequence, too low a price.

I would myself feel that a large amount of that problem came from imports and not from our own production. Is that not right?

Mr. McKERNAN. Yes, Mr. Pelly. I could not agree with you more.

Mr. PELLY. For the first time in history this country now is consuming a larger amount of imported fish than we produce ourselves, is that not right, in the last 2 years?

Mr. McKERNAN. Yes. You are on a favorite subject of mine. When a foreign nation can come and fish off our shelf and take its products back to Europe and Asia and then reship them back to our country, there obviously is something wrong with the economics of our industry.

I am quite convinced in my own mind that we need to get out and fish, and I think in many parts of the country the legislation that this committee has sponsored is going to bring that revolution about. We are going to begin to compete on the high seas and, furthermore, we are going to begin to compete successfully.

The price of some of the frozen products from Europe is rising to a point now where I feel it is economical, for example, to produce frozen blocks from American sources. I believe that this will be done within the next year, in fact, in New England and the west coast.

Mr. PELLY. The chairman asked the question as to whether there might be any opposition or whether we could expedite action on the bill. My feeling is that I do not believe that the fishing organizations out in my area know about this additional language or have had a chance to express themselves.

I would like them to have a chance to testify or to at least consider the new language that has been added in this proposal.

Mr. McKERNAN. Mr. Chairman, while I would leave this to the judgment of the committee, of course, this was discussed in the Senate rather fully and, in fact, at that time there were representatives of Pacific Northwest people present at the hearings.

Mr. PELLY. When were the hearings on this?

Mr. McKERNAN. They were the 11th and 12th of May.

Mr. PELLY. Were the fishing vessel owners' associations represented by witnesses?

Mr. McKERNAN. Yes; they were.

Mr. PELLY. You would know. I would concede that there is nobody that knows more about the fishing industry in my district than the witness who is before the committee now.

Mr. McKERNAN. I might mention a couple of names that are very familiar to you from your district. Mr. John Wedin testified in favor of the amended bill, if my memory serves me right.

Mr. PELLY. That is a pretty good recommendation because Mr. Wedin has to satisfy everybody. He runs a fishermen's newspaper.

Mr. McKERNAN. He also represents some trawlers out there, too. Mr. George Johansen testified in favor of the legislation also.

Mr. PELLY. That means a lot to me. If those people support the bill, Mr. Chairman, that means that it is really carefully considered because they are really very knowledgeable as to the industry.

Mr. THOMPSON. Will the gentleman yield?

Mr. PELLY. I yield.

Mr. THOMPSON. On page 6 of your statement, you stated:

However, in making a loan where the vessel will not replace an existing vessel, the Secretary must determine that the operation of the vessel in a fishery will not cause economic hardship or injury to the efficient vessel operators already operating in that fishery.

Now, did you hear any specific comments in the Senate testimony as to whether or not that type of stopgap authority would satisfy the fisheries in operation?

Mr. McKERNAN. I do not recall any specific comment but there was no opposition whatsoever to any aspects of the legislation. We feel that if by chance anybody felt they might be injured because of the addition of units to the fleet, that a hearing would be held, and they could present their material and the Secretary of the Interior would be required to consider this very carefully before approving such applications.

Mr. THOMPSON. How would these other members of this fleet or this fishery be alerted to the fact that approval was pending?

Mr. McKERNAN. We would publish it in the Federal Register, Mr. Chairman, according to the Administrative Procedure Act.

Mr. THOMPSON. I just wonder if the fisheries ever have access to the Federal Register or whether it is the practice of them to follow the Federal Register?

Mr. PELLY. I think the publication is pretty widespread and I have noticed in the Fishermen's News out my way the actual printing of the questions and answers that went on in connection with one of these hearings.

Mr. McKERNAN. The chairman will recollect that we put out a daily news service that reaches large groups of fishermen and vessel owners, and they are well notified.

We are quite certain of this. The announcement goes out about 30 days in advance, and we make sure that it is carried in local papers, and then our daily Fisheries Market News gets out to the fishermen and boatowners also. So they are quite well informed.

Mr. THOMPSON. Thank you, Mr. McKernan. Are there any further questions?

Mr. DOWNING. Yes, Mr. Chairman.

Mr. McKernan, I wonder if you would refresh my memory as to what this bill actually covers. Would it cover, say, an oysterman who wanted to replace his oysterboat?

Mr. McKERNAN. Yes; it would, and we have made loans to oystermen.

Mr. DOWNING. Or, say, an oyster buy boat, a larger type vessel?

Mr. McKERNAN. No, it would only cover fishing vessels, Mr. Peterson informs me. Oyster dredger or tonger boats.

Mr. DOWNING. Would it cover the boat that contacts each of these small vessels and takes in their catch at the end of the day and then sells their catch on the shore that night?

Mr. McKERNAN. No; it would not.

Mr. DOWNING. Would it apply to the menhaden industry?

Mr. McKERNAN. Yes.

Mr. DOWNING. We might as well put in crabs, too. How about the crabbing industry?

Mr. McKERNAN. Yes. The loan fund has applied quite well and has been used throughout the mid-Atlantic area to a considerable degree.

Mr. DOWNING. Have you any breakdown on the geographic distribution of this money?

Mr. McKERNAN. Yes; but I do not have it by the 50 States. I have it by general areas, Mr. Chairman. For example, in the New England and mid-Atlantic area, these I have combined. There are about 200 approved loans for about \$5 million.

Mr. DOWNING. In the New England—

Mr. McKERNAN. And mid-Atlantic. In the South Atlantic and gulf, for example, there are about 130 loans for about \$3 million.

Mr. KEITH. You do not have any breakdown between the New England and the mid-Atlantic at this time?

Mr. McKERNAN. Not at my fingertips, Mr. Chairman. I would be glad to supply that for the record if you would care to have it.

Mr. DOWNING. I would appreciate it.

(The information referred to follows:)

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF COMMERCIAL FISHERIES,
Washington, D.C.

Hon. T. A. THOMPSON,

Chairman, Subcommittee on Fisheries and Wildlife Conservation, House of Representatives, Washington, D.C.

DEAR MR. THOMPSON: During the hearing on H.R. 4227 we were requested to furnish a breakdown in the number of loans approved between New England and the Middle Atlantic States.

Up to April 30, 1965, we have approved 166 loans for \$4,380,000 in New England and 25 for \$557,000 in the Middle Atlantic States.

Sincerely yours,

DONALD L. McKERNAN, *Director.*

Mr. DOWNING. If I could resume further, what is the process for an applicant who wants to obtain a loan of this type?

Mr. McKERNAN. Mr. Chairman, we have small booklets, pamphlets, a copy of which I would be happy to supply for the record if you would like, and we disseminate this through our local offices of the Bureau. We put out advertising, and we have had, on local radio stations and public service time, information on where these loans are available.

By this time knowledge of our loan program seems, in my opinion, to have been generally disseminated throughout the fishing industry several times. We make a habit every 6 months or so of repeating knowledge of this so that if people forget it or do not understand it the first time we try and get news to the local people down at the fishermen's level regularly.

Mr. DOWNING. I am not too sure that the information is filtered down below the large business-type operation of fishery though.

Mr. McKERNAN. Mr. Chairman, Mr. Peterson informs me that about 50 percent of our loans are under \$10,000, indicating that we have had considerable success in getting this information to the small fishermen.

Mr. Chairman, we also put out posters in most of the fish-buying houses throughout the country. This is done by our local offices, and we do everything we can, and we would be very pleased to know if we are not reaching some fishermen because it is certainly our intention to let the small fishermen especially know about this program.

Mr. THOMPSON. Have you ever suggested to the local or State fish and wildlife agencies such procedures in order that they may reach people that you do not reach?

Mr. McKERNAN. Yes, we do, Mr. Chairman. We have these right down at the local level. We have statistical agents, for example, through the South and southeastern part of the United States and they are all generally familiar with this program and have copies of the brochure to disseminate.

Mr. THOMPSON. Will the gentleman yield for a point?

Mr. DOWNING. I yield.

Mr. THOMPSON. You mentioned about \$8 million thus far between the New England coast, the South Atlantic and gulf coasts. That means that \$5 million more have been loaned—

Mr. McKERNAN. There is about \$19 million altogether, Mr. Chairman.

Mr. THOMPSON. What would be the distribution of the balance? That has not been mentioned. Will you give that just so that the record will show it, Great Lakes and Pacific?

Mr. McKERNAN. Let us start with the Great Lakes. There has been about \$110,000 approved for 31 loans in the Great Lakes. In Hawaii there have been 15 loans at \$205,000; Alaska, 186 loans at approximately \$2 million; Pacific Northwest, 178 loans with \$3 million; California—that is a large section of the coast, so it is separate—135 loans for \$6 million.

Mr. THOMPSON. Then your larger loans are apparently on the west coast?

Mr. McKERNAN. Well, I think New England and the mid-Atlantic have the greatest number of loans. There are 191 loans there for about \$5 million.

Mr. KEITH. Alaska is included on the west coast?

Mr. McKERNAN. That is right. There are 186 loans in Alaska for \$2 million. You will remember that I came before this committee right after the earthquake disaster and Congress gave us approval to consider, in a sense, disaster loans in Alaska right following the earthquake.

We processed about 100 of these disaster-type loans in Alaska and successfully approved 76 loans, I think it was, in Alaska; and they have been very successful in helping these people up on their feet after that disaster.

Mr. DOWNING. I have two further questions, Mr. Chairman. One is would a party fishboat be included?

Mr. McKERNAN. No.

Mr. DOWNING. My last question is, What are the criteria for a favorable consideration for a loan briefly?

Mr. McKERNAN. Briefly, Mr. Downing, the application and the successful approval requires that this be an established fisherman and that he have experience in the fishing business, and that he has a good reputation for general repayment of loans.

He must have been turned down by banking institutions. That is, we do not provide any loans without investigating to see whether this man can get a fishing boat loan through commercial sources.

There must be a reasonable opportunity to repay the loans, however. So, with these criteria, we essentially get the underfinanced, smaller fishermen, in any segment of the American fishing industry.

We have been very successful in our loss; it has been very low. I attribute this to the fact that we have people dealing with these loans who know a good deal about the fishery over long years of experience and, if a fisherman has had a tough season, even though his loan is due, we tend to work along with him.

For example, loans where banks have said, "Well, this man is a good risk. I would like to carry him, but the bank examiners won't allow a continuation of this loan on their books."

Refinancing is one of the things we can do under the provisions of this act. We have been doing that, and in a sense we have not only saved the money but we have in a sense saved an enterprise, a private enterprise of a fisherman. I must confess that I believe this is one of the better programs that we have administered and is uniquely successful in this regard.

We have put out loans to just about a thousand different vessels of a total of about 11,000 or 12,000 registered vessels; that is, vessels above 5 net tons. This is a significant portion of the American fishing industry that has been kept in business because of this loan program.

Mr. MORTON. Will the gentleman yield?

Mr. DOWNING. I yield.

Mr. MORTON. Mr. McKernan, on the question of this bank turndown, are you entirely happy with that? I realize that is in the provisions of this bill and is in the provisions of many of our Federal loan funds in other fields.

I am concerned about it because I sit on a bank board, and a fellow, not in fisheries, came in and asked for a loan of \$30,000, and he said, "For goodness sake, turn me down because I can get this money cheaper from the Government."

I think it is a device that has been necessary to get a lot of this type of legislation through the Congress. Is this a really workable proposition for you to say to the small fisherman, "You have to go to the bank uptown and, if you can't get the money there, then you are eligible, but if you can get it, you are no longer eligible"?

Mr. McKERNAN. Mr. Morton, I think the thing works differently in different places. I am aware that the same thing happens in our loan program that you just mentioned, but, on the other hand, we also have generally investigated banking practices. For example, one of the best examples is New England. The New England banks, when this program started, simply were unwilling under any circumstances almost, unless you had enough collateral, you see, to go out and almost pay spot cash for boats, to provide loans.

I have a brother who operates a bank in the Pacific Northwest and the general policy of this large bank is also not to generally provide much risk capital for fishing boats, simply because it is an undercapitalized industry. There are great fluctuations in the supply of fish, and it has been difficult in recent years to get these funds.

Now, some people in some places have gone up, we know, and done essentially what you have indicated happened to you in your circum-

stances; but, on the whole, I think that this has been successful, and that circumstance is not general in the fishing industry.

It has been more general simply for money not to be available for fishing boats at any reasonable rate of interest.

Mr. MORTON. The question is: Are we being honest and sincere when we incorporate in all of our loan legislation this proviso that the applicant must have been turned down by a bank before he becomes eligible?

I am aware of the fact that your program is working well and that the credit is not available through other channels. One thing is the difficulty of repossession of a fishing boat, that somebody can skip out with it.

But we do have the bank-turn-down provision in other legislation and I just wanted to get from you whether you saw it as a hindrance or help in administration of the program.

Mr. McKERNAN. I think on the whole it works pretty well because we are pretty careful and we are aware of this circumstance that you raise and we ourselves have bank contacts and we do our very best to keep track of the money situation in banks. And if banks in a certain district are getting more confident and are willing to provide loans to fishermen who are responsible, we simply won't make the loans.

We do our very best to control this. I do not think we do it perfectly, but we do recognize the point you have raised and do our best to overcome it.

Mr. THOMPSON. May I suggest this to the Congressman. That question has been raised before and it is my opinion personally that this is an added safeguard to the Department in that it gives them a little bit more of an insight on the man's ability to pay than a survey of a balance sheet, for instance, would give them.

Mr. MORTON. This is true. I do not think this is the place to go into it, but we do have a problem in the Small Business Administration loans and other loans where banks put their tongues in their cheeks and turn down a loan because it is part of a program for getting a Small Business Administration loan.

This encourages, I think, not unethical practices, but practices in the banking profession that should not be in the banking profession.

Mr. PELLY. I think it is very wholesome because it indicates that they are not trying to compete with private industry and they are doing everything they can to get private industry to make the loans and, if they cannot make them, they will make the loans.

Mr. THOMPSON. It gives the Department a closer association with local business, and I think it is a very good policy.

Mr. Keith?

Mr. KEITH. Thank you, Mr. Chairman.

You mentioned that these loans cannot be used for buy boats. I would assume that similarly they cannot be used for factory ships?

Mr. McKERNAN. They can be used for factory ships if the ships themselves were fishing. The normal factory trawler they could be used for. They cannot be used for the purpose of a mother ship. It has to be a primary fishing vessel. If the fishing vessel was also a factory ship, why, they could be used for that purpose.

Mr. MORTON. If the gentleman will yield.

Why do you restrict the loan to these particular vessels and not to other vessels in the chain?

Mr. McKERNAN. If we could clearly distinguish between those vessels which are used primarily and perhaps only for fishing, such as the buy boats in oysters, this would be one thing; but there are a number of subsidiary vessels used in the fishing industry which perhaps are used in other industries as well, and only incidentally used in the fishing industry, and it seems to me that it might be very difficult to define clearly the subsidiary or secondary vessels of which you speak.

Now, if the committee should wish, sometime in the future, for us to consider this, I would be happy to do so, and I suspect that we could provide such a definition; but there are some problems in some of the other fisheries where there are secondary vessels used which are not so clear cut as the case, for example, of the oyster buy boat or, for example, a crab pickup boat or something of that nature.

Mr. THOMPSON. As I indicated, one large factory vessel could take up so great a percentage of that entire fund that it might handicap the small fishermen in that there would not be enough funds to go around.

Mr. McKERNAN. We intend to see that it goes around and have considered this, Mr. Chairman, in the administration of this program.

Mr. KERTH. Mr. Chairman, it has been mentioned once or twice here today that we are importing more fish now than we are getting from our own sources.

I believe that one of the problems is the importation of fish blocks. What plans have you made to counter this fleet?

Mr. McKERNAN. Of course, with the help of this committee, and many of the distinguished gentlemen that are sitting here this morning, we have been able in the last several years to get significant pieces of legislation through Congress which do assist, one of them being the matter of the construction program.

Mr. KERTH. I am talking specifically to the problem of fish blocks.

Mr. McKERNAN. I think that these modern trawlers that are going to be constructed on both coasts will be able to put up fish blocks. For example, we have an application from a very well-known and very successful fisherman in the Pacific Northwest for a new trawler.

This trawler will be able to put up frozen blocks and be able to put them on the market. The price of fish blocks has gotten to a point where, for example, they were selling fish blocks for as little as 17 cents and 18 cents a pound. Now the competition for these has reached the point where the price for them is closer to 30 cents a pound, and I believe that, with the modern fishing vessels, the design of which we save at hand, we will be able to compete with these, and we are pressing this particular point in the applications and the design of new trawlers, under the construction bill.

That is one thing. Secondly, we have done a great deal of exploratory work and we have encouraged, in both the east and west coasts, the development of new sources of supply; that is, latent resources which will make fish blocks and fish sticks.

We are doing technological work to find out how to handle some of these fish which heretofore have not been used to any great extent for fish blocks; for example; hake, a species of hake. We are finding that there are ways of forming fish blocks from these.

Incidentally, there are fantastic resources of these in the west coast alone. In Mr. Pelly's State there may well be several hundred thousand of these which are not used at all at the present time.

They are midwater species. The third thing we have done is develop some new gear and we now have developed a midwater trawl

and this midwater trawl is going to result in the utilization of some of these species, and this new industry is starting now in the States of Washington and Oregon.

There will be a midwater trawl fishery for hake this year. So, this is what we are doing.

Mr. KEITH. I got a letter the other day complaining that you were recommending a particular insurance company with reference to insurance on fleets.

Mr. McKERNAN. Mr. Chairman.

Mr. KEITH. The letter, I might say, indicated that the company that you were recommending was undercapitalized.

Mr. McKERNAN. Mr. Chairman, this has been brought to our attention also. About 2 years ago we began to study the ratio of claims paid to premiums collected on these vessels upon which we had loans, and you will recall that industry from your area, Mr. Keith, the fishermen and boatowners from time to time have come in and have recommended various programs because of the increasing costs of insurance.

Mr. KEITH. I might say, Mr. Chairman, that the costs of insurance in the domestic industry are about four times what they are intended. That is a very significant factor.

Mr. THOMPSON. I am glad the gentlemen brought it up. It is a problem that is not necessarily connected with the matter under consideration and, inasmuch as we are trying to wind up this morning, could we go into that at a later date?

Mr. KEITH. Yes. I would be glad to defer this question to a later date and I will discuss it with Mr. McKernan.

Mr. PELLY. Would the gentleman yield?

Mr. KEITH. Yes.

Mr. PELLY. I had a number of criticisms and complaints, and I think it deserves a special hearing so that we can have the Department up here to explain its position.

Mr. THOMPSON. I am sure that the subcommittee will have a hearing in this area.

Mr. McKERNAN. We would be most pleased to comment to the subcommittee in this regard.

Mr. TUPPER. Mr. Chairman, on this point, I might say that I inquired into this from Mr. McKernan, and that I am satisfied, and I am sure the committee will be, with the explanation.

Mr. PELLY. I hope the gentleman will answer my mail for me.

Mr. TUPPER. They make a very good case.

Mr. THOMPSON. There is another area to be considered on that particular subject matter and that is whether or not the jurisdiction would lie in the committee anyway. I am thinking about the setting of insurance rates.

Nevertheless, gentlemen, we will proceed.

Mr. KEITH. I have no further questions with reference to this specific bill.

Mr. TUPPER. I have just one question, Mr. Chairman, if I may. I want to thank the Chair and the committee for allowing me to sit in on this committee hearing this morning.

Mr. McKernan, is there any limitation as to size imposed by Department regulation in regard to this program we are discussing?

Mr. McKERNAN. Size of individual vessel?

Mr. TUPPER. Size of individual vessel.

Mr. McKERNAN. No.

Mr. TUPPER. None whatsoever. In other words, it takes everything from a 38-foot lobster boat up to presumably a 5-ton vessel?

Mr. McKERNAN. Yes.

Mr. TUPPER. That is all I have, Mr. Chairman.

Mr. THOMPSON. Thank you, Mr. McKernan. We appreciate your coming this morning. I assure you that you will be given consideration.

Mr. McKERNAN. Thank you, Mr. Chairman.

Mr. THOMPSON. We have Mr. Charles R. Carry with the Tuna Research Foundation scheduled to be here this morning.

Mr. Carry, of course, you realize the time limitations.

STATEMENT OF CHARLES R. CARRY, EXECUTIVE DIRECTOR, TUNA RESEARCH FOUNDATION, TERMINAL ISLAND, CALIF.

Mr. CARRY. Mr. Chairman, I am the executive director of the Tuna Research Foundation. I represent primarily cannery workers of tuna and other species. They do have interests in boats as well.

Along with me today are two representatives of the unions in our industry and they, too, would like just to say that they favor this program. So, if you can spare them a minute, they would appreciate it. It won't take them any more than that.

Mr. Chairman, I have no statement. I just wanted to come and tell you that, insofar as the tuna industry is concerned, this has been a very successful program, one of the most successful programs the Government has ever had.

I would like to see it continued. We would like to see it amended in the form that Mr. McKernan referred to. We would also like to see it carried on for 10 years instead of 5.

I do not think I will say any more other than that we are very happy with the program. It has been well administered. The men are very competent that are handling it, and you couldn't find a better program. It is one to be proud of.

Mr. THOMPSON. Your support is significant to the subcommittee. We have heard your testimony before.

Are there any questions?

If the two gentlemen with you will identify themselves for the record, they may indicate their feelings about this.

Mr. CARRY. This is Mr. Calise and Mr. Balinger, both of AFL-CIO Unions, one from San Pedro and the other from San Diego.

STATEMENT OF LESTER BALINGER, SECRETARY-TREASURER, CANNERY WORKERS & FISHERMEN'S UNION OF SAN DIEGO, CALIF., AND VICE PRESIDENT, SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO

Mr. BALINGER. I am Lester Balinger, secretary-treasurer of the Cannery Workers & Fishermen's Union of San Diego, Calif., vice president of the Seafarers International Union of North America; chairman of the Legislative Conference of the Fish Field of the Seafarers International Union of North America.

For Mr. Pelly's benefit, I would like to say that Brother Johanson from his part of the country is also a member of my committee. We have discussed this bill and he has assured me that he is in favor of it.

I would like to say that, as far as the local of the San Diego area which I am from, we testified for the original appropriation on this, and we think it has done a tremendous amount of good for our tuna people.

Many of our older boats have been modernized and converted to this program, and it has been a tremendous benefit.

There is just one thing I might say in regard to this which I don't want to be construed as opposition because I don't really know whether the provision of a loan provides for this. We feel that any subsidy or loan program should be for the benefit of the economy of the United States of America.

We are cognizant of the fact that a boatowner making such a loan would have to hire U.S. citizens. That was our principal concern to begin with. However, we are concerned now as to whether this fish once caught, and hiring U.S. citizens, would be delivered back to the continental United States, which would stimulate the economy of this country.

I don't know whether this is one of the provisions of a loan or whether it is not. We would like that provision. However, we are not opposed to the bill if it does not have that provision.

We would like for that to be one of the requirements of the loan if it is at all possible to do so.

Other than that, we are pleased to be here to testify in favor of this bill. We think it has been very beneficial to us in general. Thank you.

Mr. THOMPSON. We appreciate your coming. I do want to say for the record at this time that, when this original legislation was proposed, every member of this subcommittee had problems about it.

Some had some apprehension about it and all the members of this subcommittee just worked intolerable hours in cleaning up a bill that could pass, that would be of real help to our people and to the industry.

I just want the record to show that we appreciate the fact that you came in to tell us that we did a good job.

Mr. BALINGER. It has been, Mr. Chairman, and we are really appreciative. Thank you.

STATEMENT OF JOHN CALISE, SECRETARY-BUSINESS AGENT, SEINE & LINE FISHERMEN'S UNION, AFL-CIO, SAN PEDRO, CALIF.

Mr. CALISE. My name is John Calise. I am from the Seine & Line Fishermen's Union of San Pedro, affiliated with the Seafarers International, which is having a convention here.

I couldn't afford to come here to testify on this bill. The fishing industry at San Pedro is paying the bill.

Actually, seine fishing originated in San Pedro and, like Mr. McKernan testified, we have the original now, but with the amendments as they are and with the Secretary's statement of May 10, I think it will help a lot of our people in San Pedro maybe to get started and be able to buy a boat of their own.

I concur in everything that was said here and I am very much in favor of this bill which has created jobs for our dying industry in San Pedro.

Mr. PELLY. With reference to the dying industry, I noticed the other day that the number of tuna fish boats since, I think, 1945, had declined in your area from 800 to 200.

MR. CALISE. Yes. We had a 300-boat sardine fleet that has declined to 40, and right now we are trying to get legislation in California for anchovies, and today the bill comes up, and there are fine anchovies off the coast of California, but it is needed for the sportsmen, not the fishermen, to get. Thank you very much.

MR. THOMPSON. Gentlemen, I think that is all the testimony that is to be heard today. The subcommittee will go into executive session.

Before we adjourn, I would like to have inserted into the record some of the documents received concerning this legislation.

(The documents mentioned follow:)

STATEMENT OF AUGUST FELANDO ON BEHALF OF THE AMERICAN TUNABOAT ASSOCIATION

My name is August Felando. I am appearing before this subcommittee on behalf of the American Tunaboat Association. I am the general manager of this nonprofit cooperative association incorporated under the laws of California, with its principal office of business in San Diego, Calif.

The membership of the association is comprised exclusively of tuna fishing vessel owners. In 1964, the members caught and unloaded over 60 percent of all the tropical tunas landed in the United States by vessels operating from the United States. Our members also unload catches of tuna in the Commonwealth of Puerto Rico. The frozen tuna carrying capacity of the American tuna fleet is about 39,000 tons. Of this total about 25,000 tons is represented by the American Tunaboat Association.

We support the passage of H.R. 4227. It is the position of the American Tunaboat Association that the fisheries loan fund must continue to exist and function.

The fisheries loan program has worked extremely well in the tuna industry. In our opinion, but for the existence of the fund, the conversion of tuna bait boats and surplus military vessels would have been severely delayed, if not prevented. Without the fund, many of our members would not have been able to obtain the financing required to convert their vessels. During the period, January 1960 through December 1964, our records reveal that 22 bait vessels and surplus military vessels were converted under the fisheries loans program. Approximately, \$3,102,000 was involved in these loans. The events affecting the San Diego tuna fleet since 1959 give strong and effective evidence for support of the continued existence of the fisheries loan program.

It is also the position of the American Tunaboat Association that the fisheries loan program be amended so as to provide for the financing of a vessel or majority interest in a vessel.

Need for a change in the law

According to regulations published Thursday, July 19, 1962, part 250.4, paragraph (b), entitled "Applications for financial assistance cannot be considered if the loan is to be used for:

"4(i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose, or (iii) liquidating a mortgage given for such purpose less than 2 years prior to the date of receipt of the application."

I have been informed that while the law does not expressly prohibit the Secretary from financing the purchase of a vessel, such prohibition can be implied from the language used in paragraph (a), section 742c, title 16, USCA. As such, it appears that this bill would require the insertion of language expressly giving the Secretary the authority to make loans to commercial fishermen for the purpose of purchasing fishing vessels.

Need for Government financing in the area of vessel purchases

Long-term credit is still not generally available to fishing vessel operators. It is true that the success of the fisheries loan program has encouraged some banks to reenter the field of fishing vessel financing; however, banks impose burdens on individuals making application for a loan to purchase a tuna vessel. Most young men, the type needed in the proper continuation of this industry of the sea, do not have the financial resources necessary to satisfy the asset requirements set by the banks. With regards to tuna vessels, the banks normally,

if not always, establish a 5-year note, plus a large cash outlay. These terms are especially difficult in the tuna industry because of the sizable capital investment required to get started in the business. For instance, a vessel built in 1951, was purchased some months ago for \$325,000. In August 1964, a vessel built in 1946, was purchased for \$385,000. Besides the purchase cost, the fishermen have to have funds available to cover the cost of hull and machinery insurance. The annual premium for this coverage runs about 5 to 7 percent of the insured value. The annual premium for protection and indemnity coverage is about \$3,000 to \$3,500. Trip expense credit is usually provided, but for the first trip, the cost involves \$10,000 to \$15,000. Minor expenditures to get the vessel out to sea runs to about \$1,000. Thus, besides the customary cash that must be provided in a purchase, a person who wants to buy a tuna vessel must have sufficient cash to cover the costs of insurance and operating expense. It is these facts that cause financial difficulties for a young fisherman who wants to get a larger and better vessel for himself.

It is our opinion that if the loan fund is permitted to operate for the purpose of purchasing vessels, a few more banks or other financial institutions would be stimulated by the Government intervention to a degree beneficial to the fishing industry of the United States. The easing of credit financing will create a used commercial fishing vessel market.

Other reasons exist for the need to have the fisheries loan fund extended, whether it includes our suggestion for amendment or not. Namely, the fact that foreign competition on traditional U.S. fishing grounds and on the high seas is getting stronger and more effective. In addition, imports of frozen tuna continue to increase, and it is true to say that in recent years, imports constitute an increasing percentage of the total supply of fish marketed in the United States. Further, the Fishing Vessel Subsidy Act will affect the value of existing fishing vessels. These are facts that cause lending institutions to be extremely cautious, if not unwilling to take the risks involved in long-term financing of fishing vessels and equipment.

In cases where they do decide to finance, the banks will loan only to vessel owners that have exceptionally good credit rating. To the young fisherman, who desires to better himself and the industry, he is faced with almost insurmountable financing problems in attempting to get a loan for the purchase of a used fishing vessel.

We urge the passage of H.R. 4227, and hope that you will also provide language that will permit loans for the purchase of fishing vessels.

[Telegram]

BOSTON, MASS., May 26, 1965.

Hon. T. A. THOMPSON,
*Chairman, Subcommittee on Fisheries and Wildlife Conservation, Longworth
House Office Building, Washington, D.C.:*

The Federated Fishing Boats of New York and New England wish to be recorded in favor of H.R. 4227. The continuance of the Fish and Wildlife Act of 1956 permitting fishery loans plays a most important part in maintaining our fishing fleet. We respectfully request your committee's endorsement of H.R. 4227.

Thank you.

GEORGE DAVIDSON,
President, Federated Fishing Boats New York & New England.

[Telegram]

NEW BERN, N.C., May 21, 1965.

Hon. T. ASHTON THOMPSON,
*Chairman, Subcommittee on Wildlife and Fishery, House of Representatives,
Washington D.C.:*

Will appreciate your support to extend Boat Subsidy H.R. 4227, H.R. 5153, S. 998, and other similar bills. The seafood industry needs this assistance to survive.

Kindest regards,

GEORGE B. GARNER,
Executive Secretary, North Carolina Fisheries Association, Inc.

[Telegram]

WASHINGTON, D.C., May 26, 1965.

HON. HERBERT C. BONNER,
Chairman, House Merchant Marine and Fisheries Committee, House of Representatives, Washington, D.C.:

The National Fisheries Institute supports H.R. 4227 introduced by you which extends the term during which fishery loans may be made. This legislation supporting fishery operations on a revolving loan fund basis is vital and necessary to American fishermen and other producers. We would be pleased if you would include this wire as part of the permanent hearing records.

F. P. LONGEWAY, JR.,
Executive Director, National Fisheries Institute.

BOSTON FISHERIES ASSOCIATION, INC.,
Boston, Mass., May 25, 1965.

HON. T. A. THOMPSON,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: The Boston Fisheries Association's membership is in favor of H.R. 4227, to extend the term during which the Secretary of the Interior is authorized to make fishery loans under the Fish and Wildlife Act of 1956, recognizing the benefits the American fishing industry received during the past 10 years and realizing that the current program is due to expire June 30, 1965.

We wholeheartedly endorse H.R. 4227, which would extend the life of the fishery loan program for an additional 10-year period.

It is most heartening to learn that five identical bills were submitted by Members of Congress and were combined under one bill H.R. 4227, indicating the deep interest that Congress has in the revitalization of the U.S. fishing industry.

The extension of the Fish and Wildlife Act of 1956 becomes more than appropriate when Secretary of the Interior Stewart L. Udall in a press release, May 26, 1965, stated that the United States continues to be the world's largest importer of fishery products despite vast unused resources available in waters usually fished by U.S. fishermen. He advised that 62 percent of edible and industrial fishery products is imported. This is further proof that the fishing industry should continue to receive U.S. Government support until a formula is developed wherein the U.S. fishing industry can return to its rightful position in the world's fish and seafood market.

The Boston Fisheries Association's membership respectfully requests that your committee be recorded in favor of H.R. 4227.

Sincerely yours,

HUGH F. O'ROURKE, *Executive Secretary.*

THE TEXAS SHRIMP ASSOCIATION,
Brownsville, Tex., May 27, 1965.

HON. HERBERT C. BONNER,
Chairman, Merchant Marine and Fisheries Committee, House of Representatives, Washington, D.C.

DEAR MR. BONNER: If possible, the Texas Shrimp Association would like included in the hearing record of the Fisheries and Wildlife Conservation Subcommittee its endorsement of the bills (H.R. 4227, S. 998) which will extend the life of the fishery loan fund program until June 30, 1975, with a total authorization of \$20 million.

Our association believes the Fish and Wildlife Act of 1956 has been beneficial to the fishing industry by providing loan funds which otherwise might not have been available. It has been a real assistance to "small" fishermen. It is strongly urged that the bill be approved and it is hoped that the program will be continued.

Sincerely yours,

E. N. DUMAS, *President.*

NATIONAL CANNERS ASSOCIATION,
Washington, D.C., June 1, 1965.

Hon. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is to express our support for H.R. 4227, which would extend the fishery loan fund program.

The testimony presented at the Senate hearings and during your committee's consideration of the bill on May 27 pointed up the benefits that the American fishing industry has derived from this program. The successful record of the program is evidence of a need to maintain a revolving fisheries loan fund which provides financial assistance for the maintenance, replacement, repair, and equipping of commercial fishing gear and vessels when such assistance is not available from commercial or private sources.

Inasmuch as over 800 fishing vessel operators received help from this program, and since these operators were unable to obtain financial assistance from any other sources, it is clear that many of these vessel operators would not be in business today if the Government's program had not existed. Therefore, the credit gap in which many credit institutions were unwilling to take the risks attached to the financing of fishing operations has been successfully filled by the fishery loan fund program.

The testimony pointed out that the apparent support from all segments of the fishing industry to renew the fishery loan fund program is endorsement enough. Therefore, we would like to join in this support for the record to urge the continuation of this activity.

Respectfully yours,

RONALD W. DE LUCIEN,
Director, Fishery Products Program.

PACIFIC FISHERMEN, INC.,
Seattle, Wash., June 15, 1965.

Re House and regulation and companion bill, extension of fisheries loan fund.

Hon. T. A. THOMPSON,
Chairman, Subcommittee on Wildlife and Fisheries, House of Representatives, Washington, D.C.

DEAR SIR: It has come to our attention that the U.S. Government is considering the discontinuation of the fish and wildlife loans.

As you know we have become involved in a number of business transactions involving the Fish and Wildlife Loan Department. We have noted the real need that exists for this type of loan. Our local lending institutions usually prescribe payback periods and rates of interest which render borrowing most difficult for the boatowner. We have been informed that many of the loans that the banks have made require a complete payback within 3 years.

There are many situations where a boatowner must make needed repairs or must purchase equipment for the vessel before it is in operable condition, and if it were not for the fish and wildlife loans, the owner would face the possibility of either losing the vessel or operating the vessel in an unsafe condition.

I personally also feel that the fish and wildlife loans have stimulated the business economy because of the work that the loans have produced.

I sincerely hope that the U.S. Government will reconsider any decision involving the discontinuation of the fish and wildlife loans.

Sincerely,

WM. RICHARDSON, *Manager.*

NATIONAL SHRIMP CONGRESS, INC.,
Key West, Fla., May 27, 1965.

Hon. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. BONNER: I had hoped to come to Washington for the hearing which is scheduled today to testify in behalf of the fisheries loan fund which is presently before your committee in the form of H.R. 4227 and S. 2013. These bills seek to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956.

The National Shrimp Congress representing the national interests of the domestic shrimp fishery favors the enactment of this legislation and urges the com-

mittee to take favorable action on it at an early date in view of the possibility of the loss of funds upon the expiration of the current program.

It is considered vital to the continuation of a healthy domestic fishery that every opportunity be given to the U.S. fisheries for proper development, replacement, and modernization of the fishing fleet.

Very respectfully yours,

WILLIAM R. NEBLETT,
Executive Director.

ALABAMA FISHERIES ASSOCIATION, INC.,
Mobile, Ala., May 24, 1965.

HON. WILLIAM L. DICKINSON,
House of Representatives,
Washington, D.C.

DEAR SIR: Our attention has been called to the expiration of the Fishery Loan Fund Act. It is our understanding, if this act is not extended by H.R. 4227, H.R. 5153, S. 998, or similar acts, it will expire June 30, 1965.

We would appreciate your expressing our desire to see this legislation extended to Congressman T. Ashton Thompson, chairman of the Subcommittee on Wildlife and Fisheries. We consider this act beneficial to the fishing industry of Alabama.

Sincerely yours,

RALPH A. RICHARDS,
Executive Vice President.

STATE OF ALASKA,
Juneau, March 17, 1965.

HON. JOHN W. MCCORMACK,
Speaker of the House, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: At the request of the Legislature of the State of Alaska, I have the honor of transmitting to you a certified copy of Senate Joint Resolution 40, urging Congress to approve pending legislation to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956.

Sincerely yours,

HUGH J. WADE,
Secretary of State.

IN THE LEGISLATURE OF THE STATE OF ALASKA, FOURTH LEGISLATURE—FIRST
SESSION

SENATE JOINT RESOLUTION 40 URGING CONGRESS TO APPROVE PENDING LEGISLATION
TO EXTEND THE TERM DURING WHICH THE SECRETARY OF THE INTERIOR IS
AUTHORIZED TO MAKE FISHERIES LOANS UNDER THE FISH AND WILDLIFE ACT
OF 1956

By Senators Kilcher, Hansen, Begich, Owen, Peratrovich, Bradshaw, Nolan,
Butrovich, Blodgett, Harrison, Ziegler, and Peter

Be it resolved by the Legislature of the State of Alaska:

Whereas a bill, S. 998, now pending in Congress would amend the Fish and Wildlife Act of 1956 so as to extend until 1975 the authority of the Secretary of the Interior to make loans for financing and refinancing the operations of commercial fishing vessels and the maintenance, repair, and replacement of these vessels and their gear; and

Whereas the loan program available under the Fish and Wildlife Act of 1956 will expire on June 30, 1965, unless S. 998 is enacted; and

Whereas U.S. fishermen are in constant competition with foreign fishermen at fishing grounds where American vessels traditionally and, until recently, almost exclusively operated; and

Whereas U.S. fishermen now have to compete with foreign fishermen for the U.S. market; and

Whereas private financing on reasonable terms is not available to many fishermen because of the hazardous nature of the industry; and

Whereas the U.S. fishing fleets are antiquated and unable to compete successfully with the more modernized foreign fishing fleets; and

Whereas the fisheries loan program is essential for modernizing and upgrading U.S. fishing vessels in order that they may stay in operation and compete successfully against foreign fishermen; be it

Resolved, That Congress is respectfully urged to pass, and the President of the United States is respectfully urged to approve, S. 998; and be it further

Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Hubert H. Humphrey, Vice President of the United States and President of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Warren G. Magnuson, chairman, Senate Commerce Committee; the Honorable Oren Harris, chairman, House Interstate and Foreign Commerce Committee; the Honorable Carl Hayden, chairman, Senate Appropriations Committee; the Honorable George H. Mahon, chairman, House Appropriations Committee; and the Honorable E. L. Bartlett and the Honorable Ernest Gruening, U.S. Senators, and the Honorable Ralph J. Rivers, U.S. Representative, members of the Alaska delegation in Congress.

AUTHENTICATION

The following officers of the legislature certify that the attached enrolled resolution, Senate Joint Resolution No. 40, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the uniform rules of the legislature.

Passed by the senate February 27, 1965.

_____,
President of the Senate.

Attest:

EVELYN K. STEVENSON,
Secretary of the Senate.

Passed by the house March 9, 1965.

MIKE GRAVEL,
Speaker of the House.

Attest:

NADINE WILLIAMS,
Chief Clerk of the House.

WILLIAM A. EGAN,
Governor of Alaska.

MARCH 16, 1965.

STATE OF MAINE, DEPARTMENT OF SEA AND SHORE FISHERIES,
Augusta, May 21, 1965.

HON. T. A. THOMPSON,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, House Merchant Marine and Fisheries Committee, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: It is my understanding that, in the near future, your committee will be considering action on H.R. 4227, a bill which would extend the time in which the Secretary of the Interior can make fisheries loans.

As the State agency which represents the commercial fisheries of Maine, the Department of Sea and Shore Fisheries would like to go on record as favoring passage of H.R. 4227.

Very truly yours,

RONALD W. GREEN,
Commissioner.

SOUTHEASTERN FISHERIES ASSOCIATION, INC.,
Tallahassee, Fla., May 21, 1965.

HON. T. ASHTON THOMPSON,
Chairman, Subcommittee on Wildlife and Fisheries, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE THOMPSON: It has been brought to our attention that the fishery loan fund currently active will expire on June 30, 1965. We understand further that H.R. 4227, H.R. 5153, S. 998, and similar bills would extend this loan fund if passed.

Our association feels that this fund is vital to the welfare of the industry, and would sincerely appreciate any help you could give us in getting this fishery loan fund renewed.

Thanking you for any consideration you might give us, and looking forward to hearing from you, I remain,

Sincerely yours,

BOB JONES, *Executive Secretary.*

SEAFOOD PRODUCERS' ASSOCIATION,
New Bedford, Mass., May 20, 1965.

Hon. T. A. THOMPSON,
Chairman, Committee on Fish and Wildlife Conservation,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: This association is heartily in favor of the bill H.R. 4227 which is vital to the growth of the fishing industry. We ask that you do your utmost to insure its passage.

Thanking you for your interest and cooperation, I remain,

Yours truly,

OCTAVIO A. MODESTO, *General Manager.*

STAR-KIST FOODS, INC.,
Terminal Island, Calif., May 21, 1965.

Re H.R. 4227, H.R. 5153, H.R. 6090, H.R. 6101, S.B. 998.

Hon. T. A. THOMPSON,
Chairman, Subcommittee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. THOMPSON: The above captioned bill concern the extension of the fishery loan program. These bills, in effect, allow fishing vessel owners to acquire loans for the reconversion, reconstruction and refurbishing of their old vessels in order that their vessels can compete with our foreign fishing nations and allow to become efficient through Government assistance. This entire program has been the salvation of our great tuna industry. Because of the availability of these funds, our industry showed the way on how to become the best fishermen on the seas.

Our company most heartily and sincerely urge the immediate passage of these bills, and truly hope they become law before the end of this congressional session. We also urge the passage of the amendment suggested at the Senate hearings on S. 998, allowing the fund to be extended to include the purchase of vessels. This amendment will insure a future industry by exposing these funds to our younger fishermen. The availability of these loans will act as an encouragement to those who are financially unable to construct new vessels. Labor unions, fish processors, and vessel owners look to this legislation as an indication that our Government is attempting to regain its prominence as a leading fishing nation of the world.

Your kind consideration and cooperation in seeking the passage of these bills will be greatly appreciated.

Yours very truly,

ANTHONY V. NIZETICH,
Director, Government and Industry Relations.

BOSTON FISH MARKET CORP.,
Boston, Mass., May 19, 1965.

Hon. T. A. THOMPSON,
Chairman, Subcommittee on Fisheries, Merchant Marine Fisheries Committee,
House Office Building, Washington, D.C.

DEAR CHAIRMAN THOMPSON: I wish to urge most strongly that the committee act favorably on H.R. 4227.

The extension of loans to fishing boats, especially at this time, is vital to the fisheries of the United States. As you know, these loans are granted for most part to smaller vessels and vessel owners who would have no other recourse for the modernization of their vessels. It will extend the useful economic life of our fleets until advantage can be taken of the assistance program for new construction.

Thank you for any assistance which you can give to this important legislation.

Yours very truly,

THOMAS ANTHONY FULHAM, *President.*

(Whereupon, the hearing concluded at 11:45 a.m., and the subcommittee proceeded to executive session.)

MISCELLANEOUS FISHERIES AND WILDLIFE LEGISLATION—1965

HAWAIIAN NENE GOOSE

THURSDAY, MAY 27, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 1334, Longworth House Office Building, Hon. T. A. Thompson (chairman of the subcommittee) presiding.

Mr. THOMPSON. Gentlemen, this morning we have two considerations, one of which is really noncontroversial and a matter that has been considered by this subcommittee and our full committee for some time.

We feel that, while there might be no pressing need for legislation in this matter, this subcommittee will continue to have it under observation and make it clear that if at a later date we find that this legislation is needed as authority for the Department of Interior to continue their work with the nene goose, which is the national bird of the State of Hawaii, we will have this record. I don't believe the consideration will take too long.

I want to make it clear that any statements in this regard may be inserted into the record.

(The bill and report referred to follow:)

[H.R. 505, 89th Cong., 1st sess.]

A BILL To increase the amount authorized to be appropriated annually to carry out the program for the conservation and restoration of the Hawaiian Nene goose, and to extend such program for an additional five years

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize a program for the conservation, restoration, and management of the rare Hawaiian Nene goose", approved September 2, 1958 (72 Stat. 1712), is amended—

- (1) by striking out "\$15,000" and inserting in lieu thereof "\$25,000"; and
- (2) by striking out "five years" and inserting in lieu thereof "ten years".

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 26, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. BONNER: Your committee requested our views and recommendations on H.R. 505, a bill to increase the amount authorized to be appropriated annually to carry out the program for the conservation and restoration of the Hawaiian nene goose, and to extend such program for an additional 5 years.

H.R. 505 amends the act of September 2, 1958 (72 Stat. 1712) by increasing the dollar limitation for carrying out the nene goose program from \$15,000 to \$25,000 and by extending the term of the act an additional 5 years.

The 1958 act authorized and directed the Secretary of the Interior to promote a program of research, propagation, and management necessary to effect the restoration of the nene goose in its natural habitat. The act authorized an annual appropriation of \$15,000. The authority expired on June 30, 1964.

Under the 1958 act, the Department began a program to improve artificial rearing of nenes and to carry out various management measures. This goose-restoration program has been conducted by the State of Hawaii's Department of Land and Natural Resources under contract with the Department. Our decision to have the work done by Hawaiian authorities on a cooperative basis was made for reasons of economy. The State was in a position to assign biologists and to administer the program at less cost than we could have done. We obligated \$15,000 a year in fiscal years 1960 through 1964 for this project.

It is our intention to continue to cooperate with the State of Hawaii in restoring the nene. While considerable progress has been made in recent years, much remains to be done. There are now some 400 nenes in the world, about half of which number is in captivity. Federal and State biologists are now in a much better position to determine what needs to be done to perpetuate the nene than they were in 1958. Measures needed to complete the program successfully include (1) modernization of propagation facilities to allow better handling of the captive flock, (2) an annual release to the wild of at least 50 nene over a period of 5 years, (3) better tenure for the birds on sanctuaries through purchase or long-term lease of lands, (4) continued control of predators, and (5) further study of habitat to determine the most effective and economical means of developing the most favorable combination of habitat factors to sustain a wild population of at least 500 nene on the island of Maui and 500 on the island of Hawaii.

We believe that the only feasible and ultimate solution to the permanent conservation of this species is to establish an appropriate refuge. The nene is included within the category of birds (Anatidae) covered by the migratory bird treaties. Accordingly, adequate authority exists under the Migratory Bird Conservation Act to establish a refuge when needed. Also, the Fish and Wildlife Act of 1956 authorizes the Secretary to establish such a refuge and to conduct a program of research, propagation, and management of wildlife, including the nene. During this fiscal year, and after the expiration of the 1958 act, \$15,000 was appropriated and obligated to carry out such a program. The same amount is included in the President's budget for fiscal year 1966.

We think that legislation to extend the 1958 act an additional 5 years is unnecessary. We therefore recommend against the enactment of H.R. 505.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. THOMPSON. We will be delighted to hear from you, Mr. Matsunaga.

**STATEMENT OF HON. SPARK M. MATSUNAGA, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF HAWAII**

Mr. MATSUNAGA. Thank you, Mr. Chairman.

Mr. THOMPSON. We will be delighted to hear any testimony you care to give.

Mr. MATSUNAGA. Mr. Chairman and members of the subcommittee, I thank you for this opportunity of appearing before you to express my views on H.R. 505, a bill which would authorize an appropriation of \$25,000 for each of 5 years for the conservation, restoration, and management of the Hawaiian nene goose.

The nene, or Hawaiian goose, is the official State bird of Hawaii, having been adopted in 1957 as the bird emblematic of the State. Truly, this bird is one of the world's rarest species of waterfowl.

In appearance, both male and female of the species look alike. Poor male. One might describe the color of the whole bird as gray-brown. The head is black, but the neck is creamy with a dark brown band at the bottom of the neck. The body is of different shades of brown; the tail and wings are black, as are the bill and feet, which are partially webbed.

In the evolution of this species, the nene is considered to have evolved from the same basic stock as the Canadian goose. Years before the Polynesians reached Hawaii, a pair of birds must have accidentally arrived on the islands, possibly blown in over the sea during a storm.

Over the millenia these birds lost their instinct for migration, and today, although they are strong, capable fliers, they do not even travel from one island to another. Fortunately, their established home is on the largest island of the Hawaiian Archipelago where their is still suitable natural habitat available.

Over a century ago the nene geese were plentiful, numbering in excess of 25,000. People of old Hawaii hunted and killed them for food. By 1900 a substantial decline in numbers had occurred.

The low point seems to have been reached during the 1930's, when less than 50 wild birds remained. This decline, perilously close to the point of extinction, had been due to indiscriminate hunting, conversion of the birds' habitat to agricultural uses, and the introduction of exotic animal species, which preyed upon the birds and the eggs.

Time was running out for the few remaining in existence. Serious efforts to save the species began in 1946 when the Board of Agriculture and Forestry of the Territory of Hawaii started experiments in propagation with a pair of birds loaned by Herbert Shipman, a rancher, who at the time had the only captive flock in existence.

In 1957, Dr. William Elder of the University of Missouri, one of the leading authorities on waterfowl, went to Hawaii to make an ecological investigation of the wild nene. The next year Congress passed the Nene Goose Act (Sept. 2, 1958, 72 Stat. 1712), which authorized the U.S. Fish and Wildlife Service to spend \$15,000 per year for 5 years to conduct research and develop restorative measures.

As a result of Dr. Elder's work, suitable habitat and other areas capable of restoration were identified and several sanctuaries were set aside under cooperative agreements with private ranch owners.

The remaining geese have been carefully protected in these sanctuaries and their numbers supplemented by birds propagated in captivity. Today, as a result of the protection afforded the nene, approximately 147 captive-reared birds have been released in the wild in Hawaii.

I might state parenthetically here that, for the first time in the area of propagation of birds, the domesticated nene geese have been known to mate with the wild nene, and this I understand is something that never happened before. This could be further evidence of the aloha spirit which prevails in Hawaii.

Yes, Hawaii's rare nene goose apparently has been saved from immediate extinction but the battle for survival is not yet completely won. While the signs indicate hope for the eventual restoration of the species to its natural habitat, much remains to be accomplished before a sustaining restoration of the nene is achieved.

Funds to carry out the desired objectives as set forth in the 1958 statute are inadequate for achieving what needs to be done to further this conservation effort.

For this reason I have introduced H.R. 505 which provides for an increase in the annual appropriations from \$15,000 to \$25,000 and an extension of the program for an additional 5 years.

The additional funds would make possible a modernization and expansion of the present nene goose propagation facilities. A biologist could be engaged to investigate potential release sites for the nene and to conduct essential followup studies wherever releases are made.

A vital need, which would be facilitated by an increased appropriation, is the evaluation of the specific requirements that must be met so that the nene can survive and reproduce on its own in the wild. Finally, more time obviously is needed to further the reestablishment of the nene in Hawaii.

The need for the increased annual appropriation and extension of this program has been supported wholeheartedly by the Hawaii delegation, by such private organizations as the Audubon Society, National Wildlife Federation, and its affiliate, the Hawaii Wildlife Federation, and by the U.S. Department of the Interior, the State department of agriculture and conservation, as well as numerous other local organizations and individuals who are close to the problem and are continuing to express support for the conservation and restoration of this magnificent creature of the wild kingdom.

Mr. Chairman, I should like at this point to call your attention to the fact that by letter dated May 19, 1965, the Department of the Interior has assured me that during the current fiscal year the sum of \$15,000 has been appropriated and obligated, to continue the conservation program that was started by the act of September 2, 1958, and that the same amount is included in the President's budget for fiscal year 1966.

I have been given further assurances that adequate authority exists under the Migratory Bird Conservation Act to establish a refuge when needed. I offer the letter as a part of my statement, and request that it be made a part of the record.

Mr. THOMPSON. Without objection, so ordered.

(The letter referred to follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 19, 1965.

HON. SPARK M. MATSUNAGA,
House of Representatives,
Washington, D.C.

DEAR MR. MATSUNAGA: Mr. David S. Nahm of your staff requested that we furnish you information on the Hawaiian nene goose program of this Department.

The act of September 2, 1958 (72 Stat. 1712) authorized and directed the Secretary of the Interior to promote a program of research, propagation, and management necessary to effect the restoration of the nene goose in its natural habitat. The act authorized an annual appropriation of \$15,000. The authority expired on June 30, 1964.

Under the 1958 act, the Department began a program to improve artificial rearing of nenes and to carry out various management measures. This goose-restoration program has been conducted by the State of Hawaii's Department of Land and Natural Resources under contract with the Department. Our decision to have the work done by Hawaiian authorities on a cooperative basis was made for reasons of economy. The State was in a position to assign biologists and to administer the program at less cost than we could have done. We obligated \$15,000 a year in fiscal years 1960 through 1964 for this project.

It is our intention to continue to cooperate with the State of Hawaii in restoring the nene. While considerable progress has been made in recent years, much remains to be done. There are now some 400 nenes in the world, about half of which number is in captivity. Federal and State biologists are now in a much better position to determine what needs to be done to perpetuate the nene than they were in 1958. Measures needed to complete the program successfully include (1) modernization of propagation facilities to allow better handling of the captive flock, (2) an annual release to the wild of at least 50 nene over a period of 5 years, (3) better tenure for the birds on sanctuaries through purchase or long-term lease of lands, (4) continued control of predators, and (5) further study of habitat to determine the most effective and economical means of developing the most favorable combination of habitat factors to sustain a wild population of at least 500 nene on the Island of Maui and 500 on the Island of Hawaii.

We believe that the only feasible and ultimate solution to the permanent conservation of this species is to establish an appropriate refuge. The nene is included within the category of birds (*Anatidae*) covered by the migratory bird treaties. Accordingly, adequate authority exists under the Migratory Bird Conservation Act to establish a refuge when needed. Also, the Fish and Wildlife Act of 1956 authorizes the Secretary to establish such a refuge and to conduct a program of research, propagation, and management of wildlife, including the nene. During this fiscal year, and after the expiration of the 1958 act, \$15,000 was appropriated and obligated to carry out such a program. The same amount is included in the President's budget for fiscal year 1966.

We think that legislation to extend the 1958 act an additional 5 years is unnecessary. You may wish therefore to consider asking the Committee on Merchant Marine and Fisheries of the House of Representatives to cancel the hearings scheduled to be held later this month on H.R. 505.

Your interest in this program is greatly appreciated.

Sincerely yours,

MAX N. EDWARDS,

Assistant to the Secretary and Legislative Counsel.

MR. MATSUNAGA. As one of the world's rarest and most endangered species, the Hawaiian nene's fate is truly a matter of national interest. There is good reason to believe that by the end of another 5 years, as proposed in H.R. 505, the restoration of the nene will have become another conservation achievement in which all Americans can take pride.

The nene will then be well enough established throughout the Hawaiian landscape so that it can carry on without any preferred assistance save the protection normally afforded species protected under Hawaiian State law.

I urge your favorable consideration of H.R. 505.

Thank you very much.

Mr. THOMPSON. Thank you, Congressman.

Mr. MATSUNAGA. Mr. Chairman, if I may, I wish to present for your consideration at this point a statement by the distinguished Senator from Hawaii, the Honorable Daniel K. Inouye, and ask that it be inserted in the record.

Mr. THOMPSON. Without objection, it may be inserted in the record. (The statement referred to follows:)

STATEMENT BY HON. DANIEL K. INOUE, A U.S. SENATOR FROM THE STATE OF HAWAII

Mr. Chairman, while a Member of Congress representing the State of Hawaii in 1961 and in a statement to this same committee through my then administrative assistant, Mr. Alfred Laureta, I urged serious consideration be given to a bill to increase the amount authorized to be appropriated annually to carry out the program for the conservation and restoration of the Hawaiian nene goose and to extend such a program for an additional 5 years. That statement was printed as part of the hearings record for May 9, 10, 11, 1961, by this same Subcommittee on Fish and Wildlife.

Mr. Chairman, I do not wish to go into the details of that same statement inasmuch as pertinent and specific facts were then fully presented. I simply would like to remind you of the hearings record of that period.

Since 1962, I have urged passage of a similar bill in the Senate. In this current session of Congress, S. 791 has been introduced. I have been urging the Senate Commerce Committee to give favorable consideration to it.

As you may recall, about 5 years ago, Congress appropriated some \$75,000 to be spent at the rate of \$15,000 annually to study the nene and to preserve it from extinction. The program since then has proven to be successful, but it is far from complete. A sum of \$125,000 to be spent for the same program over the next 5 years is being requested. The urgency is underscored by the fact that the appropriations have expired on June 30, 1964. Unless S. 791 is reported out favorably in the Senate, and H.R. 505 in the House, the premature ending will cause a severe setback to the nene geese conservation program.

I realize that in the totality of the business of the Subcommittee on Fish and Wildlife, a bill to attempt to restore and conserve the nene geese population may not be too significant a program. However, please let me assure you that to conservationists and to the people of Hawaii, where the nene is the official State bird, the possible extinction of this rare species is a source of great concern.

My previous bill, as introduced in the House, had to be revised, inasmuch as that bill was geared to the extension of an existent program, and, therefore, referred to the enabling act concerned in proposing certain amendments. My present bill simply requests appropriation of the sum of \$25,000 per annum for a period of 5 years.

I respectfully request serious and urgent consideration be given to favorable passage of H.R. 505.

Mr. MATSUNAGA. May I also present for the record, Mr. Chairman, and request that a letter addressed to the chairman from the Governor of Hawaii be inserted in the record at this point.

Mr. THOMPSON. Thank you. The chairman has such letter in his possession and we are glad to hear from our old colleague. You may assure him that his comments will be taken into consideration and made part of the record.

(The letter referred to follows:)

STATE OF HAWAII,
Honolulu, May 24, 1965.

HON. T. A. THOMPSON,
Chairman, House Subcommittee on Fisheries and Wildlife Conservation,
Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: It has come to my attention that your committee will hold hearings on the Hawaii nene goose conservation and restoration bill (H.R. 505) on May 26, 1965. As this measure is of great importance to the

people of the State of Hawaii, and to the Nation, I would like to express my strong support for the bill and urge that your committee give it favorable consideration.

Since 1949 we have maintained a nene restoration project in Hawaii in an attempt to return this unique bird from the brink of extinction. At that time there were an estimated 50 wild nene left in the world. To date, 200 birds have been reared in captivity and of these 196 have been released to integrate with the wild flocks. It is gratifying to note that several captive-reared geese have mated with wild birds and produced young in recent years. This technique is almost unprecedented in the science of wildlife management. Our successes have come to the attention of conservationists around the world.

The nene is listed as "endangered" by the Committee on Rare and Endangered Wildlife Species in the preliminary report prepared by the Bureau of Sport Fisheries and Wildlife, U.S. Department of Interior. Under the Land and Water Conservation Fund Act (Public Law 88-578) we are hoping to acquire lands in Hawaii for use as sanctuaries for this species. We have received moneys from the World Wildlife Fund, a private conservation organization, to transport nene from England (the original stock was sent from Hawaii) for release on the island of Maui, where the nene was once found. Many international conservation agencies as well as all our local groups have expressed concern over the demise of the Hawaiian goose, and supported our efforts to restore it.

In 1949 the Territorial legislature appropriated \$6,000 to initiate the captive rearing project and the program continued at a modest level of intensity for almost 10 years, thanks primarily to the efforts of volunteers and private organizations. In 1957 the nene was declared the official bird of the then Territory of Hawaii by the Territorial legislature. Then through the enactment of S. 4249 (Public Law 85-891) in 1958, the sum of \$15,000 a year for a period of 5 years was made available to carry out a program for the conservation, restoration, and management of the Hawaiian nene goose. You, Representative Gross and others assisted me in passing this bill. Although the funds authorized by the above act expired in 1964 the nene restoration program has continued to the present with funds made available by the Bureau of Sport Fisheries and Wildlife.

We are finally achieving some positive results in building up the wild flock of nene on the island of Hawaii (now estimated at 250) and reestablishing a nucleus of flock on Maui. We feel that this program should be continued, preferably at a higher level of intensity for at least another 5 years. H.R. 505 will enable us to do exactly that.

I feel that as the near extinction of the nene was brought about by the ignorance and shortsightedness of man, it is incumbent upon us to make every possible effort to ameliorate the status of what is considered the rarest waterfowl in the world.

I, therefore, strongly urge you and your committee to recommend passage of this bill.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS, *Governor.*

Mr. MATSUNAGA. Thank you very much.

Mr. PELLY. Mr. Chairman.

I want to compliment my colleague for his very fine statement.

Mr. MATSUNAGA. Thank you.

Mr. PELLY. On page 2 the statement is made that, "* * * approximately 147 captive-reared birds have been released * * *," but I don't recall any statement in the gentleman's testimony as to the actual number of birds that now exist.

Mr. MATSUNAGA. Right now, if I recall correctly, with the 260 which have been reared in captivity, we have about 400 in total.

Mr. THOMPSON. It is estimated to be 260, I understand.

Mr. MATSUNAGA. 260 reared in captivity, but the total population is about 400 right now.

Mr. PELLY. In other words, as a result of the legislation which was passed in 1958, it can be said that the population of the nene goose has increased from 157, then, to now more than 400.

Mr. MATSUNAGA. About 400; yes.

Mr. PELLY. So that the program has been successful.

Mr. MATSUNAGA. To a degree, yes. But we have had to bring them in from England also, Mr. Pelly, when our population was really getting low, and these birds, which were brought back from England, were originally birds which had been taken to England from Hawaii.

So you can see the nene has played a role in international relations as well. We have been highly praised by Britishers for the effort we are making in preserving this rare specie, and they have helped us to replenish our dwindling population. For some reason or other, the nene seems to take very well in England.

Mr. PELLY. How about Washington, D.C.? Do we have any in our very fine zoo?

Mr. MATSUNAGA. We have a couple, as I understand it, in the zoo.

Mr. PELLY. Do they reproduce in captivity in the zoo?

Mr. MATSUNAGA. This I do not know. Perhaps the expert from the Fish and Wildlife may be able to answer that.

Mr. PELLY. That is all, Mr. Chairman.

Mr. THOMPSON. Are there any further questions? Thank you.

Mr. MATSUNAGA. Mr. Chairman, I might point out this: That there might be a legal question involved, and I request that this matter be taken up by the subcommittee, in that that statute which we intend to extend here has already expired, and the language of H.R. 505 may raise a question of the effectiveness of this bill; that is, by merely changing \$15,000 to \$25,000 and 5 years to 10 years.

If the subcommittee determines that the language is defective in order to carry out the intent of the bill, I would suggest that the language of S. 791, introduced by Senator Inouye, be used instead.

Mr. PELLY. Mr. Chairman. That raises the point that I intended to wait and ask the representative of the Fish and Wildlife Service.

Why is this legislation needed at all? You have already indicated in your statement that funds have been requested for 1966 in the President's budget, and I cannot understand, if this program has expired, how in turn can the Department go on under authority that it says it has and request funds?

Mr. THOMPSON. The Chair may state that the legislation was introduced prior to the knowledge being made known that the Department thought it had the continuing authority to accomplish the purpose of this legislation.

Therefore, the Chair wanted to hold these meetings to, No. 1, point up the importance of this State bird, and No. 2, bring out and clarify just what the legal situation is.

I think the hearings will bring this to a point more quickly than any private conferences between the parties would.

Mr. MATSUNAGA. I certainly appreciate the advice given me, Mr. Chairman, because counsel do change and opinions of the same counsel even change from time to time. This way we have it on the record and, because the nene is our State bird, and certainly we cannot afford to let it go extinct, at least we will have it on the record here as to the feelings of the Interior Department at this time, and we may depend upon it for appropriations in the future even if the bill as proposed by me is determined to be unnecessary.

Mr. THOMPSON. I might state to the gentleman that, upon invitation of the gentleman from Hawaii, this subcommittee or some members of it might want to look at the habitat.

Mr. MATSUNAGA. Yes. I am a strong believer, as John Keats was, that "a thing of beauty is a joy forever," and, in the humdrum of our work, I think we members of Congress deserve some joy, and if you do go to Hawaii, you will have the joy of seeing this beautiful bird of ours.

Mr. THOMPSON. Thank you, Mr. Matsunaga.

Mr. MATSUNAGA. Thank you very much.

Mr. THOMPSON. I would now like to call the charming lady from Hawaii, Hon. Patsy Mink. Welcome to the subcommittee.

STATEMENT OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mrs. MINK. Mr. Chairman and members of the Subcommittee on Fisheries and Wildlife Conservation, I am most happy to have this opportunity to support H.R. 505. This bill, sponsored by my senior colleague from Hawaii, Mr. Matsunaga, would prolong and intensify the program of preservation of the Hawaiian nene goose.

State and Federal efforts in this regard already have drawn worldwide interest, especially in view of the fact that the nene goose is sometimes considered the world's rarest waterfowl.

The program came in the nick of time to save from extinction a water bird that was able to adapt itself to life on a lava flow, but not life in proximity to man. The bird is of especial significance in the cultural life of Hawaii.

Vast flocks of nene had been reduced to just 10 known birds in the whole world when restoration efforts were started by the then Territory of Hawaii in 1949.

The efforts of hunters, in the period before the birds were protected from them, wild dogs, and wild pigs were driving them to extinction. In 1958, the Congress authorized a 5-year Federal program of research, propagation, and management of the nene goose, with annual appropriations of \$15,000 a year.

And now, Mr. Matsunaga's bill, which I wholeheartedly support, would provide \$25,000 a year and extend the program for 5 more years.

The U.S. Fish and Wildlife Service and the Hawaii State Department of Agriculture have done a magnificent job. The nene population now is estimated at more than 300 birds, and the time has come when more land must be provided for its habitat on the lava slopes of the island of Hawaii.

As I have said, Hawaii takes a special interest in the continued existence of this bird. Not only is it found nowhere else than Hawaii, but it is the Aloha State's official State bird. And its existence is interwoven with Hawaii's Polynesian past. Its skin was used in the ceremonial costumes of the ancient Hawaiians and the bird itself occupies an important place in Hawaiian myth and folklore.

In addition, the success of propagation efforts thus far are being watched very closely by wildlife conservation organizations throughout the world.

The nene is found in its wild state nowhere else in the world than in Hawaii, although a captive flock is maintained in England.

I strongly urge that these efforts to save it from extinction be approved by this subcommittee, the full Merchant Marine and Fisheries Committee and the Congress.

MR. THOMPSON. Thank you very much, Mrs. Mink, for an excellent statement.

Would the Department like to be heard on this legislation?

STATEMENTS OF LANSING A. PARKER, ASSOCIATE DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, AND DAVID B. FINNEGAN, ATTORNEY-ADVISER, OFFICE OF LEGISLATIVE COUNSEL, DEPARTMENT OF THE INTERIOR

MR. PARKER. Mr. Chairman, I am Associate Director of the Bureau of Sport Fisheries and Wildlife. I am Lansing Parker, and I have with me today David Finnegan of the Associate Solicitor's Office for Legislation.

I have a short statement. I know the committee wants to move along. I would ask that it be introduced in the record and I will be ready for questions after making this short observation.

MR. THOMPSON. Without objection, the statement may be made part of the record.

(The statement referred to follows:)

STATEMENT OF LANSING A. PARKER, ASSOCIATE DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF INTERIOR

H.R. 505 would amend the act of September 2, 1958, which authorized the annual appropriation of \$15,000 for a five-year period for a nene restoration program. The Secretary of the Interior was directed by that act to promote research, propagation, and management needed to restore this endangered Hawaiian goose.

Under the terms of the act, the program terminated June 30, 1964. The bill will extend the program for an additional 5 years and raise the annual appropriation ceiling to \$25,000.

The nene is one of the rarest species of waterfowl in the world. At one time there were as many as 25,000 birds—all in the Hawaiian Islands. Predation, uncontrolled hunting, and loss of habitat drove the goose to the brink of extinction. From a low of about 1 dozen in 1927, the number has increased to about 400 birds due to the heroic efforts of game managers and aviculturists. About half of this number is in captivity. In the wild, the goose is now found only on the islands of Hawaii and Maui.

The Federal Government recognizes its responsibility for the nene which is included in the category of waterfowl covered by Migratory Bird Treaties with Great Britain (for Canada) and with Mexico. The State of Hawaii likewise recognizes its obligation to promote the welfare of the nene, the official State bird, and is contributing its own manpower, money, and facilities to the program.

Under authority of the 1958 act, the Bureau of Sport Fisheries and Wildlife obligated \$15,000 for each of the 5 years for the goose restoration project. This project has been carried out by the State's division of fish and game under contract. These funds plus substantial contributions by the State through personnel services, equipment, execution of leases for sanctuary purposes, and direct contributions of funds have made possible the modest success realized thus far. Present sanctuaries were established largely through the cooperation of interested landowners and grazing lessees.

The State has improved its facilities for propagating and conditioning nene geese for liberation. In 1964, 37 goslings were reared. To date, about 150 geese have been released to the wild. Most of these birds were reared at Pohakuloa,

the State's game farm, but 49 were supplied by the Severn Wildfowl Trust in England and 5 by Dr. Dillon Ripley. Only locally reared birds have been released in the Island of Hawaii. Results thus far indicate that releases on Maui have been insufficient to overbalance adverse factors, including predation by dogs, feral pigs, and mongooses.

The present State game farm stock of 17 pairs cannot produce enough birds to accomplish the original objective of reestablishing the birds to a point where the species can thrive.

Federal and State biologists are now in a much better position to determine what needs to be done to perpetuate the name than they did in 1958. Also, since propagation and other costs have increased, more realistic estimates of needs have been prepared.

Requirements for successful completion of the restoration program include (1) modernization of propagation facilities to allow better handling of the captive flock, (2) an annual release of not less than 50 nene over a 5-year period, (3) better tenure on sanctuaries through purchase or long-term leases, (4) continued control of predators, and (5) further study of habitat to determine the most effective and economical means of developing the most favorable combination of habitat factors to sustain a wild population of at least 500 nene on Maui and 500 on Hawaii.

We believe that bills such as H.R. 505 are unnecessary in view of our authorities in the Migratory Bird Conservation Act and the Fish and Wildlife Act of 1956 for carrying out measures to conserve migratory birds, including research and the provision of sanctuary areas. Also, the bill unduly limits expenditures and the length of the program. We have obligated funds in fiscal year 1965 and there are funds in the President's budget for 1966 for this program. We hope to continue in succeeding years until this worthwhile conservation project is completed.

Mr. PARKER. The program has moved ahead, as the Congressman so ably described it here this morning. We have continued and intend to continue the efforts of the cooperative venture with the Hawaiian Fish and Game people. Since the expiration of this law we have found, through the Solicitor's review, that there is ample authority in the Migratory Bird Conservation Act, as well as in the Fish and Wildlife Act of 1956, and, within a few days, we hope to have for your consideration a proposed bill that will cover all of the problems of rare and endangered species.

So the Department points out that we feel this particular piece of legislation is not necessary and, further, that we will have a much broader approach to offer to the committee within a few days.

Mr. THOMPSON. At this point, sir, the Chair has been advised informally that such legislation has been cleared by the Budget. Is that correct?

Mr. PARKER. Right. I am ready for any questions that the committee may have.

Mr. PELLY. I assume that this would include such rare birds as the whooping crane and others, under the legislation to which you refer?

Mr. PARKER. That is right, Mr. Pelly.

Mr. PELLY. I think it is important to look after the Hawaiian goose, but I think we ought to look after all other species.

Mr. THOMPSON. I will agree. I think this approach needs a separate program for all endangered species. There are some areas that possibly will require a full hearing as to how far the Federal agency could go without invitation of the individual area where such endangered species might exist, and those, I think, will be cleared up to the satisfaction of our States.

Are there any questions, Mr. Downing?

MR. DOWNING. I have no questions.

MR. THOMPSON. Mr. Morton?

MR. MORTON. I would like to ask this question. Is there a relationship between the activity that your Department is carrying on and the World Wildlife Federation, which is a worldwide organization dedicated to the proposition of maintaining or promoting the existence of species that are threatened?

MR. PARKER. The World Wildlife Fund is a private organization. They support this type of activity. As a matter of fact, part of the costs of bringing the birds from England to Hawaii, the transportation costs, were paid for by the World Wildlife Fund. We cooperate with them; yes.

MR. MORTON. Is there an overall plan of coordination with them as far as the North American species are concerned?

MR. PARKER. We are currently putting together a document listing all of the rare and endangered species, and have touched base with the World Wildlife Fund as well as with other organizations. Once this list is agreed to, then we are planning to set up a long-range program of bettering the conditions for each of those species where we can.

MR. MORTON. The reason I ask this is because about a year ago I spent some time with Mr. Peter Scott, who is president of the World Wildlife Fund. I was amazed at the scope of the work they envisioned carrying on.

One of the problems that I think we have is a lack of public education in this area. I am very much concerned about the Hawaiian geese and the whooping crane and other species.

I was just wondering if this thing is in such shape that we can publicize it to conservation groups and sportsmen's groups and people who would get behind it and generate public sentiment toward this effort?

MR. PARKER. We have, and it came off the press last Friday, a new publication that is aimed at the general public to create some interest in the problem of the endangered species. I would be happy to furnish a copy for the record and I will see that you get one, Mr. Morton.

MR. MORTON. I would very much like to have that.

The answer to my question is that there is a working relationship between the World Wildlife Fund and your Department, that it is excellent, and that you are cooperating?

MR. PARKER. Yes.

MR. MORTON. Thank you very much.

MR. PARKER. The development of the full program will have to wait until we agree on some of the things necessary.

MR. KEITH. I would hope that, if there were any species that were endangered, in real, immediate danger of becoming extinct, they would phase their report and give us a preliminary one and indicate where action must be taken more promptly.

He just mentioned that he was going to defer until complete studies were made. We had some rare birds up toward Cape Cod, which is also a pleasant place to visit, the heath hen particularly, which died out while we talked about it.

I would hope that, if there were any species that were in immediate danger, he would advise us and we could take more prompt action.

Mr. THOMPSON. This is a very good suggestion, if I might say so. As soon as the legislation is cleared which has been introduced, hearing will be held this year at the earliest date possible.

We would hope that the Department would give us that indication as to the priority list.

Mr. PARKER. That we intend to do.

Mr. THOMPSON. Are there any questions?

Mr. PARKER. If I might just make this observation, Mr. Chairman, as you probably know, the Land and Water Conservation Fund has a provision for funds to acquire habitat for threatened species and we did have a program in 1966; the President's budget contains an item of some \$3 million for the preservation of habitat for some of the species. We have had a little rough going.

Mr. KEITH. One of the reasons that you might have some rough going is that you have been closing out or recommending the phasing out of wildlife refuges, without prior consultation with either the inhabitants of the refuges or the Congressmen representing these constituents, who incidentally, do not have any vote.

I have a wildlife refuge in my district which requires only one man to operate. The wildlife people have recommended its abandonment. I am sure that it plays an important part in the New England ecological activity, if not in the Nation.

I think it is a shame that there is any phasing out of these wildlife refuges.

Mr. THOMPSON. I might suggest to the gentlemen that I am in agreement with him basically, and yet I must state that it is the Chair's own personal feeling that we should not chastise the Department too much about this until we learn whether or not this is another case of the Budget Bureau trying to run the Department.

I have found this to be true in other cases.

Are there any further questions. Counsel has questions.

Mr. EVERETT. Mr. Parker, you have stated that there is now ample authority in which to support this program without the necessity of passing this bill. Would you cite the section of the 1956 act which you use to substantiate that authority?

Mr. PARKER. May I ask Mr. Finnegan to respond to that?

Mr. FINNEGAN. The section is in title 16 of the United States Code. It is section 742(F) (5), I believe, the proper citation.

Mr. EVERETT. Then, it is your contention that the 1956 act would give you broad enough authority to propagate nene geese?

Mr. FINNEGAN. Yes, sir.

Mr. EVERETT. I would like to ask one more question. I noticed from a reading of the hearings that, when this bill was introduced in 1958, the same Mr. Lansing Parker testified that there was not sufficient existing authority at that time to propagate nene geese, which prompted the 1958 Nene Goose Act, and yet today, we are advised by Mr. Parker that a different interpretation has been given to the 1956 act, therefore additional legislation is not needed to propagate nene geese.

Mr. PARKER. That is right, sir.

Mr. FINNEGAN. I might add that the Solicitor's Office of the Department of the Interior has issued an opinion on the various authorities of the Department for the endangered species program, which would include the nene goose.

We would give you a copy of the opinion for the record, if you wish.
 Mr. THOMPSON. This will be furnished and inserted in the record.
 (The opinion referred to follows:)

LEGISLATIVE AUTHORITY FOR ENDANGERED SPECIES PROGRAM

FUNDS: GENERALLY

Acquisitions of lands, waters, or interest therein for the preservation of species of fish or wildlife that are threatened with extinction using funds made available under the Land and Water Conservation Fund Act of 1965 are limited to acquisitions that are otherwise authorized by law.

MIGRATORY BIRD CONSERVATION ACT—ACQUISITION OF REFUGE LANDS

Plain language of the act authorizes the Secretary of the Interior to purchase or rent lands approved by the Migratory Bird Conservation Commission for endangered species of migratory "game" birds.

Acquisitions under the act for endangered species of migratory "game" birds could be financed through funds made available from either the Land and Water Conservation Fund Act of 1965, or from the Migratory Bird Hunting Stamp Act, or from funds authorized by the Migratory Bird Conservation Act itself.

The Migratory Bird Conservation Act when read as a whole and considered in the light of its legislative history and purpose is unclear in regard to the purchase of lands for "nongame" migratory birds.

The Migratory Bird Treaty with Great Britain lists as protected birds both "game" and "nongame" migratory birds.

FISH AND WILDLIFE COORDINATION ACT: GENERALLY

The term "wildlife" as used in the act includes migratory birds.

The act authorizes the acquisition of lands at water resource projects for endangered species of fish and wildlife, including migratory birds.

Lands acquired under this act need not be approved by the Migratory Bird Conservation Commission, nor is State consent needed.

FISH AND WILDLIFE ACT OF 1956

The term "wildlife" as used in the act may be construed broadly to include all wild vertebrates, including endangered species thereof, other than fish.

The act specifically authorizes the Secretary of the Interior to acquire refuge lands for all forms of wildlife, including endangered species thereof.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF THE SOLICITOR,
Washington, D.C., January 13, 1965.

Memorandum to: Assistant Secretary for Fish and Wildlife.

From: Solicitor.

Subject: Legislative authority for endangered species program.

This Department recently transmitted to the Bureau of the Budget a legislative proposal to carry out a program of land acquisition and propagation for the conservation of rare or endangered species of fish, birds, mammals, amphibians, and reptiles. During the consideration of this proposal, questions were raised about this Department's existing authority to carry out an endangered species program for these wild vertebrates.

The recently enacted Land and Water Conservation Fund Act of 1965 (78 Stat. 897 (1964)), makes available appropriated funds for "the acquisition of land, waters, or interests in land or waters" for, among other things, "any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction." These funds, however, cannot be used for this purpose "unless such acquisition is otherwise authorized by law." Also, these funds are limited to the land acquisition part of any such program. The following is an analysis of the Department's present general authority to

carry out a program of land acquisition for endangered species of wild vertebrates.

The first statute is the Migratory Bird Conservation Act (45 Stat. 1222 (1929), as amended, 16 U.S.C. § 715-715d, 715e, 715f-715k, 715l-715r). Section 4 of the act permits the Secretary of the Interior to recommend to the Migratory Bird Conservation Commission the purchase of those areas of land and waters which he determines are needed for the conservation of migratory "game" birds. Section 2 authorizes the Commission "to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of the Interior for purchase or rental" under the act. Section 5 authorizes the Secretary "to purchase or rent such areas as have been approved for purchase or rental by the Commission, * * * and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes."

Obviously, the plain language of these sections permits the Secretary to recommend, and the Commission to approve, lands for purchase or rent that he determines are necessary for endangered species of migratory "game" birds. Such approved lands could then be purchased and rented by the Secretary.

Acquisitions under this act for such birds could be financed through the use of funds made available from the Land and Water Conservation Fund Act of 1965 or from the Migratory Bird Hunting Stamp Act, 48 Stat. 451 (1934), as amended, 16 U.S.C. section 718-718h. In addition, section 12 of the Migratory Bird Conservation Act authorizes an annual appropriation of \$200,000 for, among other things, the acquisition of lands under this act.

The act, however, when read as a whole and considered in the light of the legislative history and its purpose, is not clear in regard to the purchase of lands for any "nongame" migratory birds, including endangered species.

The plain language of section 4 when read alone appears to limit the Secretary's authority to recommend to the Commission only lands that are necessary for migratory "game" birds. Since, as a practical matter, the Commission only considers and passes upon areas that are recommended for purchase by the Secretary, it would ordinarily follow that his purchase authority in section 5 is limited to lands needed for migratory "game" birds.

The ambiguity arises when sections 12 and 11 are read with sections 2, 4, and 5. Section 5 authorizes an annual appropriation of \$200,000 for, among other things, "the acquisition, * * * of suitable areas of land, water, or land and water, for use as migratory bird reservations, * * *, and for the administration, * * * of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds." The section uses both the term migratory "game" birds and "migratory birds." Section 11 defines "migratory birds" to mean those defined in the 1916 treaty with Great Britain. The treaty lists as protected birds both game and nongame migratory birds. The language of these sections suggests that the act may have been intended to protect both game and nongame migratory birds. The issue is whether this protection was intended by Congress to be by way of purchasing lands as sanctuaries for either type of bird, or by purchasing lands only for migratory "game" birds.

The legislative history has been examined in an effort to determine congressional intention.

The Secretary of Agriculture in commenting to the Committee on Agriculture of the House of Representatives (H. Rept. No. 2265, 70th Cong.) on the proposed act stated:

"The object of this legislation is twofold:

"(1) It authorizes the purchase, rental, or acquisition by gift or devise and maintenance of marsh and water areas *especially suitable for migratory birds* to be used as inviolate sanctuaries where breeding, feeding, and resting places for such birds will be perpetuated and safeguarded.

"(2) *It supplements the protection afforded migratory birds under the Migratory-Bird Treaty Act (U.S. Code, pp. 436, 437, secs. 703-711) by providing refuges as a means of increasing the numbers of these birds and maintaining them in ample abundance for future generations. The species affected include not only the ducks, geese, and others classed as game, but the great hosts of smaller birds these were classified by the treaty as insectivorous birds so vitally essential to the agricultural interests of the country through their unceasing warfare against injurious insects.*" [Emphasis supplied.]

The House committee in reporting on this legislation also appears to have understood that these were the objectives of the legislation. The committee report states:

"According to the present information of the Department [of Agriculture] the welfare of migratory birds requires at least 125 sanctuaries, 1 or more in each State * * *. This country would then be making an effort comparable with that of Canada in this effective and essential manner of affording adequate protection to our resources in migratory-bird life.

"The committee has been forcefully impressed by the earnestness of conservationists in all parts of the country *in stressing the importance of providing a system of refuges embracing desirable water and marsh areas where waterfowl and other migratory birds may find feeding, nesting, breeding, and resting places.*

"Too great emphasis cannot be laid upon the matter of providing a substantial system of sanctuaries embracing such areas. * * * your committee is of the opinion that if the country's migratory-bird life is to be continued for the enjoyment and utilization of our people *the establishment of a system of sanctuaries, such as that contemplated under this measure, is essential.*" [Emphasis supplied.]

Congressman Andresen, one of the cosponsors of the legislation, in commenting during the debate in the House on the legislation stated that the bill before the House of Representatives "deals with the conservation of migratory birds" (70 Congressional Record 3170). He stated further:

"The act fixes a national policy for conservation of migratory birds to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain.

* * * * *

"The program proposed by this bill ultimately contemplates the establishment of permanent sanctuaries for migratory birds in every State * * *. Areas where birds may nest, feed, and rest without being molested by hunters. Inviolate sanctuaries. It has for its aim the preservation of ducks, geese, song birds, and insectivorous birds for future generations, as well as an assurance of a liberal supply of the migratory birds which may be legally taken for the hunters of today.

* * * * *

"Such birds as the bobolinks, catbirds, humming birds, martins, meadowlarks, orioles, robins, wrens, woodpeckers, and many others are migratory birds. * * * The sanctuaries established under this bill will be havens for these industrious and valuable creatures. Increasing the number of insectivorous birds in America will be of enormous financial benefit to agricultural. * * *.

"The areas acquired under this act will serve a threefold purpose. First, sanctuaries for migratory birds; second, spawning and feeding grounds for fish, as well as ideal fishing grounds; and third, places for propagation of furbearing animals, such as beaver, mink, muskrat, and so forth.

* * * * *

"* * * the purpose of this bill is to dovetail into the other act [Migratory Bird Treaty Act] and make it a part of the general scheme of protection of migratory birds."

The legislative history indicates four things. First, Congress and the executive branch intended to implement further the treaty with Great Britain. Second, Congress and the executive branch intended to give protection to treaty-protected birds through the establishment of inviolate sanctuaries for them. Third, Congress and the executive branch understood that treaty-protected birds include nongame migratory birds, as well as migratory "game" birds. Fourth Congress and the executive branch used the terms "game" birds and "migratory birds" interchangeably in discussing the legislation.

We believe that two possible conclusions may be drawn from the legislative history. First, although Congress was concerned with a fuller implementation of the treaty with Great Britain, it was principally concerned with the protection of migratory "game" birds. The limitation on the Secretary's authority to recommend and to purchase lands needed for migratory "game" birds was intentional, and the protection of nongame birds was intended to be incidental to the protection of game birds. Nongame birds would be protected only to the extent they could also use the "game" bird sanctuaries.

Much of the debate centered on the need to provide additional feeding, resting, and nesting areas for ducks, geese and other game birds and to prevent hunting

on the sanctuaries. The references to nongame migratory birds in the legislative history was an indication that Congress expected that the game sanctuaries would provide protection to these birds also, but not to buy lands primarily for them.

The Department, in carrying out a migratory bird acquisition program, has as a matter of fact purchased lands primarily for migratory "game" birds. This is especially true since the enactment of the Migratory Bird Hunting Stamp Act in 1934. That act authorized the sale of "duck stamps". The receipts are used for the acquisition of lands under the Migratory Bird Conservation Act. The legislative history of the 1934 act, but not the plain language of the act itself, indicates a strong intention that these receipts are to be used for the acquisition of migratory "game" bird sanctuaries only. Since 1934, "duck stamp" bird receipts have been the main source of revenue for acquisitions under the Migratory Bird Conservation Act.

The second possible conclusion is that Congress intended to authorize the purchase of lands both for game bird sanctuaries and for nongame bird sanctuaries and that the term migratory "game" birds in section 4 of the act has no special significance.

Section 12 of the act refers to the acquisition of reservations for migratory birds and to the administration of the reservations "frequented by migratory game birds." In the debate, Congress refers to both game and nongame birds. No distinction is made. The act defines "migratory birds" to mean treaty-protected birds. These include both game and nongame birds. Congress and the executive branch clearly intended that the treaty with Great Britain should be fully implemented by affording protection to all migratory birds through the acquisition of lands by purchase, gift or devise as sanctuaries. The Commission is not expressly or impliedly prohibited from considering and approving areas for purchase which are recommended by the States or other interested persons. The Secretary's purchasing power is restricted only to areas approved by the Commission.

We are not attempting here to indicate which conclusion is most persuasive. As a matter of policy, the Department has in the past followed the first. This is primarily because the need for game bird habitat has been the greatest. The need for acquisition for endangered species of nongame birds has only recently become apparent. Thus, both needs are now important. We therefore have suggested that the ambiguity in the act should be clarified in the proposed legislation to authorize an endangered species conservation program.

A second statute is the Fish and Wildlife Coordination Act, 48 Stat. 401 (1934), as amended 16 U.S.C. section 661-666c (1958). This act authorizes the various Federal water-resource construction agencies, including this Department, to acquire lands in connection with a project for the conservation, protection, and enhancement of wildlife. Section 8 of the act defines the term "wildlife" to "include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent." This obviously includes migratory birds. It also includes rare and endangered species of wildlife. It is limited, however, to acquisitions at water-resource projects.

Acquisitions pursuant to the Fish and Wildlife Coordination Act of lands at such projects as a mitigation or enhancement measure to conserve endangered species of migratory birds are not required to be approved by the Migratory Bird Conservation Commission, because such approval is only required for acquisitions under the Migratory Bird Conservation Act. No purpose would be served by Commission review, since Congress specifically authorizes most water-resource projects, including the fish and wildlife features.

In addition, State consent to acquisition is not needed. State consent is only required where the lands are acquired under the Migratory Bird Conservation Act.

Acquisitions under the Fish and Wildlife Coordination Act for endangered species of fish and wildlife, including migratory birds, at water-resource projects are a part of the project costs and would be financed through the use of appropriations to carry out a project.

A third statute is the Fish and Wildlife Act of 1956, (70 Stat. 1119 (1956) as amended, 16 U.S.C. 742a-742d, 742e-742j). Section 7 of this act directs the Secretary to, among other things—

"* * * take such steps as may be required for the development, management, advancement, conservation, and protection of wildlife resources through * * *, acquisition of refuge lands * * *".

The act does not set forth any procedures to be followed in acquiring refuge lands. It also lacks specific sanction and enforcement provisions, as well as specific provisions relating to the issuance of regulations.

The Secretary is authorized, however, by Revised Statute, section 161, as amended, 5 U.S.C. 22, to issue regulations to carry out the Department's functions. Also, 18 U.S.C. 41 specifically prohibits certain activities on, among other places, refuges and provides a penalty for any violation. Where there is public recreation, the Secretary is authorized by the act of September 28, 1962 (76 Stat. 653, 16 U.S.C. 460k-460k-4) to issue regulations to carry out the purposes of the act. Penalties are also provided under the 1962 act. No provision is made under either authority for arrests by the Secretary or his employees.

The term "wildlife" as used in the 1956 act is not defined. It does not include fish, however, because whenever the act authorizes a program relating to fish, the term is specifically used. We believe that the term "wildlife" may be construed broadly to include all wild vertebrates other than fish. This includes endangered species.

The 1956 act, therefore, authorizes the acquisition of refuge lands for all forms of endangered species of wild vertebrates, except fish. As in the case of the Fish and Wildlife Coordination Act, the Secretary in acquiring refuge lands under the 1956 act to conserve endangered species of migratory birds is not required to obtain the prior approval of the Migratory Bird Conservation Commission or the consent of the States, because these requirements only apply to acquisitions under the Migratory Bird Conservation Act. The acquisitions under the 1956 act are not specifically authorized by Congress. The Secretary may therefore wish for practical reasons to obtain Commission approval and possibly State consent before acquiring lands for endangered species of migratory birds under the 1956 act.

Acquisitions to conserve endangered species of wildlife may be carried out with the use of direct appropriations under the authority of the 1956 act or with the use of money made available to the Secretary under the Land and Water Conservation Fund Act of 1965. Duck stamp funds would not be available, because they are limited to acquisitions under the Migratory Bird Conservation Act.

Special statutes, such as the act of August 22, 1957 (71 Stat. 412, 16 U.S.C. 696-696b) and the Fur Seal Act of 1944 (58 Stat. 100, 16 U.S.C. 631a-631q) have also been enacted to protect particular endangered species of fish and wildlife such as the Key deer, and both the fur seal and the sea otter, respectively. These statutes would, however, have limited value in carrying out an endangered species acquisition program, because their authority is for the most part limited to specific species and in some cases to specific areas.

While we have indicated a number of alternative approaches in obtaining necessary appropriations to carry out a program under these statutes, we point out that present and future policy considerations may dictate that only one approach should be followed in each case.

Certain gaps still exist in carrying out an endangered species program. Acquisitions for endangered species of fish are limited to water resource projects. Adequate sanctions and enforcement provisions do not exist in all cases. Unified procedures for carrying out the program are not established. Authority is needed to use donated funds to purchase lands. Also, clear authority is desired to carry out propagation activities for endangered species. These and other gaps in existing authority are filled by the proposed legislation mentioned earlier. The legislation will also clarify the ambiguous provisions of the Migratory Bird Conservation Act.

The views expressed herein supplement and supersede the views previously expressed on the subject of land acquisition under the Fish and Wildlife Act of 1956 and endangered species in memorandums dated July 10, 1961, and August 24, 1964.

EDWARD WEINBERG, *Acting Solicitor.*

Mr. EVERETT. I noticed also in the Interior Department report that the Department recommends that it will be necessary for a refuge to be established in order to properly care for the nene geese which would come under the Migratory Bird Treaty Act.

Mr. PARKER. That is right.

Mr. EVERETT. Before a refuge could be procured in Hawaii, it would have to be consented to by the Migratory Bird Commission, is that not correct?

Mr. PARKER. They would have to approve it, yes.

Mr. EVERETT. Would funds have to be appropriated?

Mr. PARKER. The funds do not have to be appropriated. There is a continuing permanent appropriation of funds.

Mr. THOMPSON. At that point may I ask a question? If the nene goose is not a migratory bird at this state, not even migrating from one island to another, why then would you have to concern yourselves with the Migratory Bird Act to establish the refuge?

Mr. PARKER. Well, the genesis of the determination is not a biological one but rather one that is recited in the treaties. They list the families of birds that are considered to be "migratory," including the one in which the nene falls.

The interpretation then is that these are the birds that the two governments or the three governments in the case of the Mexican Treaty, consider migratory. They did not include all birds that fly between the two countries or three countries.

Mr. THOMPSON. I think that point might be a valid one for further consideration; that, while you do have cognizance over migratory waterfowl, yet in many States there is game that is not migratory, which never leaves the confines of the States, and they are usually very proud of maintaining control of these species.

I believe that should be looked into.

Mr. PARKER. Of course, the 1956 act is broad enough to give us authority to work to any of these species, both resident and migratory.

Mr. PELLY. Would the chairman yield?

Mr. THOMPSON. Yes.

Mr. PELLY. I gather that the authority that you referred to is through a treaty with Mexico?

Mr. PARKER. The act that implemented the two treaties, the one between Britain for Canada and the one with the United States and Mexico.

Mr. PELLY. Are there any nene geese in Mexico?

Mr. PARKER. No.

Mr. PELLY. I just do not know that I approve of using a treaty that way. Maybe the objective is something that I will approve of but, if that is the case, you just have to sign a treaty with some country and forget all about the Congress and the Constitution of the United States.

Mr. FINNEGAN. If I may comment on that, the treaty lists the families of birds that are protected. Pursuant to this treaty, Congress enacted the Migratory Bird Conservation Act which implements the treaty by authorizing the Secretary of the Interior to purchase lands for wildlife refuges for migratory birds.

This covers all the birds that are covered by this treaty. We can use this authority to acquire lands for the nene goose, since the nene falls within this family of birds.

In addition to this, the Fish and Wildlife Act of 1956 authorizes the Secretary of the Interior to acquire land for wildlife refuges with appropriated funds and, in this case, we could use funds from the land and water conservation funds under the threatened species program.

Mr. PELLY. I still say that the device of using treaties to bypass the Constitution and the Congress has been a favorite one of those who think it is the simpler method than trying to get a law through, and I do not approve of it.

Mr. FINNEGAN. I just wanted to clarify that we are not using the treaty to bypass Congress, sir; that Congress did implement the treaty through the Migratory Conservation Act and the Migratory Bird Treaty Act.

Mr. PELLY. I understand that the Senate can implement a treaty, but the executive branch by agreements or by treaties can bypass the legislative branch, and I do not personally approve of it. I think we ought to investigate these matters and pass laws and have regulation by the legislative branch. That is the way I feel.

I understand your authority as you have it, but I do not approve of that basis of getting authority. I think you should come to the Congress.

Mr. FINNEGAN. That is the point I am trying to make, sir. We did come to Congress, both the House and Senate. This is a separate act that authorizes the land acquisition. It is not based on the treaty alone.

Mr. PELLY. I approve of that.

Mr. MORTON. Mr. Chairman, would it be out of order if I discuss this just for a minute with our colleague, my good friend from Hawaii?

Mr. THOMPSON. Not at all.

Mr. MORTON. I am sorry that I was not here during your testimony Congressman Matsunaga. Unfortunately I was delayed. I would like to ask if the State of Hawaii has a full-time biologist in their fish and game organization?

Mr. MATSUNAGA. I believe we do; we do.

Mr. MORTON. The point is this: What is the State of Hawaii doing over and beyond this \$15,000 Federal appropriation and the Federal program, for encouraging the preservation of the species?

Mr. PARKER. May I answer the question?

Mr. MORTON. Yes.

Mr. PARKER. This particular program is carried out under a contract with the Hawaiian Fish and Game Department. There are many more costs over and above the \$15,000 that we pay. They have a game farm there at Pohakuloa where, in addition to raising nene geese, they have feral sheep they are working on, but they use their same manpower to conduct the goose propagation plant.

We pay for only part of the costs of it.

Mr. MORTON. The request that is made to move the appropriation up from \$15,000 to \$25,000 obviously must be for additional personnel. Is this not correct?

Mr. PARKER. Well, we are paying for what amounts to about one man's full-time salary. It is spread out over part of the gamekeeper's salary and part time of a biologist who is looking for places for nene habitat, for release sites, and determining what ought to be done in the natural habitat.

By sheer increase in costs it would come pretty close to the \$25,000.

Mr. MORTON. Am I right that the number of birds involved there is 147?

Mr. PARKER. Well, in total there are about 400 in existence, about half of which are in the wild.

Mr. MORTON. Are these 400 birds all the result of the birds that were loaned by the rancher, Mr. Shipman? Are they all offspring of those?

Mr. PARKER. All that are in captivity are offspring of those from Mr. Shipman. He gave some to the State of Hawaii, and some to Peter Scott, who, as you know, operates the Severn Trust in England, and the ones that Scott returned then were from the original stock of Shipman.

Mr. MORTON. The thing that concerns me is that, if Congressman Matsunaga has really gone into this thing and he feels that we are not providing the proper efforts, either at the State or Federal level, as they should be apportioned to preserve the species, then we ought to really look pretty hard at this. Obviously, you have gone into this thing rather thoroughly and you believe that the present Federal program is inadequate to insure the preservation of this species.

Mr. MATSUNAGA. Mr. Chairman, if I may answer that: Congressman Morton, I am sorry that you were not here to listen to my testimony, but the program has been successful because of the cooperation between the State and the Federal Government and, believe you me, the State has expended funds.

As a matter of fact, this program was initiated by the State to begin with, and we came to the Federal Government for assistance because we felt this was such an important program that it had a national interest as well as a State interest.

In addition to funds, we have provided the land, the habitat for these birds, and we intend to increase the habitat. One problem which has been created is that we enjoy pig hunting out there and we like to, in a way, increase our pig population for hunters and sportsmen; but then we have found that the pigs like the eggs of the birds, and we are going to have to do something about restricting the pig population in order to conserve the nene goose population.

Mr. MORTON. That seems to me like certainly an intrastate rather than an interstate problem, if you have too many pigs.

Mr. MATSUNAGA. We are not asking any funds for that. We are taking care of that. Our hunters will take care of that, insofar as the nene goose is concerned, we feel that it has national as well as international interest, and I pointed out earlier in my testimony that we did bring back a flock of nene geese from England, the original of which was sent to England from the Shipman stock.

In answer to your earlier question as to whether we have private organizations taking an interest in this, I might point out that the World Wildlife Fund paid for the transportation of the geese from England to Hawaii.

We today have a population of about 400 geese.

Mr. MORTON. Of course, I think any species of bird of this type is of national interest whether the bird is entirely in the State of Hawaii or the State of Maryland or any other State. I agree with you on this. There is a question here in my mind as to whether this should be expanded federally or should be expanded from the State point of view. If a bird has lost its migratory instinct the question in my mind is, isn't this a State proposition?

Mr. THOMPSON. Will the gentleman yield?

Mr. MORTON. Yes.

Mr. THOMPSON. Possibly the gentleman was not here, but we were informed that there has been approved by the Budget Bureau lan-

guage for a department bill which will concern itself with these endangered species, and the Chair stated at that time that the subcommittee possibly will consider this bill and this other bill you have introduced in concert to where all these questions will be developed, and we will possibly come out with one piece of legislation to satisfy that requirement.

Mr. MORTON. I certainly thank the chairman for that. My sympathy is very much with Congressman Matsunaga if he feels that this flock is in danger because we have failed to do something. I think we ought to do it.

If the mechanism, that you say, Mr. Chairman, is going to be put into the works, will do this, then this is the approach, obviously, that we should take. But I would hate for one of our colleagues to come before us and not receive the kind of attention that this committee should give if this flock of birds is threatened because of a failure of the Government to appropriate \$10,000.

Mr. PELLY. Will the gentleman yield?

Mr. MORTON. I yield.

Mr. PELLY. It seems to me that Congress did interest itself. This committee interested itself and we passed a bill in 1958 and the bill has been successful. The birds now are multiplying and I cannot imagine how you could need to expand the program because, if you are looking for other spots where these particular geese could have a refuge, that would be a pretty good job just to go around the State looking for spots.

Mr. MATSUNAGA. We are starting on another island. As I testified earlier, the birds somehow seem to do best on the island of Hawaii, the big island, along the volcanic areas where even plants hardly grow, except in the hollowed areas where the rain collects.

Mr. PELLY. But to have a full-time biologist to look for a spot on another island is, it seems to me, an unnecessary expansion. You could do that on a part-time basis, could you not?

Mr. MATSUNAGA. Well, we are trying now to propagate on the island of Maui along the Haleakala Crater, and it is not really pleasant up there because of the strong winds and bitter coldness. It is not a job which anyone would seek on a part-time basis.

Mr. PELLY. I would be happy to go over there and do a little investigating.

Mr. MORTON. I want to thank you, and thank you, Mr. Chairman.

Mr. THOMPSON. If any other statements should be forthcoming, they will be inserted in the record, without objection. Anyone in the audience wishing to submit a statement will submit such statement within 5 days.

This will conclude the hearing on H.R. 505.

(The material referred to follows:)

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
May 26, 1965.

Hon. T. A. THOMPSON,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to give my strong support to the \$25,000 sought for the conservation and restoration of the Hawaiian nene goose in H.R. 505.

The Department of the Interior requested \$15,000 to continue the nene goose restoration project in fiscal year 1966. The amount requested is the bare mini-

mun necessary to carry on this valuable project. This amount should be increased to \$25,000, to provide a more adequate restoration program.

The Federal Government has financed a part of the restoration program in Hawaii since 1958. The amount made available to the Hawaii Division of Fish and Game annually has been \$15,000. Together with the State's contribution, and artificial propagation program has been carried on at the Pohakuloa Game Farm, island of Hawaii, which has produced 96 birds. These were released to the wilds on the Island. In addition, 49 birds furnished by the Severn Wildlife Trust of England and five by Dr. Dillon Ripley, Director, Smithsonian Institution, have been released on the island of Maui. There is evidence of cross breeding with the few wild survivors (estimated to be 300) and the young being produced.

The long-range plans call for maintaining about 500 birds each on Hawaii and Maui. To accomplish this objective, an expanded action program must be undertaken. This includes modernization of the present game farm facilities to build up a bigger flock of breeding birds. This current breeding flock numbers 17 pairs, which produced 37 young last year. At least 50 birds per year are needed for release to the wilds for a 5-year period.

Predation by mongoose and feral dogs and pigs is one of the limiting factors. An aggressive control program in the nene goose habitat is essential. Also, it is essential to complete the study of the habitat to determine the means of developing favorable conditions for the wild flock to sustain itself.

To accomplish this program, a sum of at least \$25,000 annually is needed, in contrast to the current \$15,000 provided for this work in the 1966 budget of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Sincerely yours,

HIRAM L. FONG.

STATEMENT BY CHARLES H. CALLISON, ASSISTANT TO THE PRESIDENT, NATIONAL AUDUBON SOCIETY

The National Audubon Society supports the nene goose conservation and restoration program as it has been developed and carried out by the Bureau of Sport Fisheries and Wildlife in cooperation with the State of Hawaii. We urge that the program be continued until this endangered species has been securely rescued from the threat of extinction. To achieve this purpose, a minimum population of 500 or more birds should be established in the wild in the native habitat of the species.

We have been advised that Department of the Interior legal experts now believe they do not need additional authorizing legislation to carry on the program that was originally launched by an act of Congress, nor to establish a refuge for the nene. This may be so; we leave it to the judgment of this distinguished committee. If there is any doubt about the existence of the necessary authority, we urge enactment of H.R. 505.

Thank you for this opportunity to present our views.

STATEMENT BY M. RUPERT CUTLER, ASSISTANT EXECUTIVE DIRECTOR, THE WILDERNESS SOCIETY

I am M. Rupert Cutler, assistant executive director of the Wilderness Society, a private national conservation organization of some 30,000 members who are actively concerned with the preservation of wilderness and its associated wildlife.

The Wilderness Society is in favor of all sound programs aimed at bringing the nene, or Hawaiian goose, back from the brink of extinction. Fortunately, this unusual bird, perhaps the world's rarest species of waterfowl, seems to be responding to efforts made on its behalf in recent years primarily by aviculturists, who have augmented the remnant population of fewer than 100 wild birds with nenes raised in captivity until the wild population is now at about the 280 mark. This restoration program seems to have been a model of effective cooperation between private acivulturists and ecologists, the State department of natural resources, and the Federal Bureau of Sport Fisheries and Wildlife.

Successful as it seems to have been, it is only a beginning, and there is no assurance at this point that the nene is here to stay.

But it has been brought to our attention that, even though the act of September 2, 1958 (72 Stat. 1712), specifically authorizing the Federal nene restoration program, expired on June 30, 1964, the Bureau of Sport Fisheries and Wildlife apparently has authorities under the Migratory Bird Treaty Act and the Migratory Bird Conservation Act broad enough to cover the continuation of this work, and money for this work is included in the Bureau's 1965 and 1966 refuge budgets.

We do want to emphasize that the nene does need continuing protection and, quite probably—for a while, at least—if it is to continue to survive, and we hope that this assistance is provided in one way or another.

As important as any other aspect of the nene restoration problem is the protection of its habitat. Two nene sanctuaries totaling 18,000 acres have been established under a three-way agreement for a period of 10 years. This is a good start. But, as the Assistant Secretary of the Interior testified before the committee on April 20 of last year, "the only feasible and ultimate solution to the permanent conservation of this species will be through the establishment of an appropriate refuge."

The President's budget for the land and water conservation fund in fiscal year 1966 carries an item of \$3,114,000 for the acquisition of habitat for species threatened with extinction. Within that figure, \$150,000 was earmarked for leasing of 5,000 acres of land and fresh water ponds in the Hawaiian Islands for the nene and other rare Hawaiian birds. As you know, the House struck the entire amount for threatened species. The Senate has restored \$1,100,000 of the proposed \$3 million item. If the Senate figure prevails, some of this million dollars can be used to set up a nene refuge in fiscal year 1966.

There is another opportunity to extend the living areas of these birds. It is to be found within the existing 26,000-acre Haleakala National Park on the Island of Maui and 220,000-acre Hawaiian Volcanos National Park on the Big Island. Portions of these parks—the old lava flows—are suitable for nenes. Sixty-four "game farm" nenes were released in Haleakala Crater in 1962 and 1963, and nenes are known to be breeding in the Hawaii Volcanos Park and in the adjoining State refuge. What is needed here, actually, is range restoration to bring back the vegetation that makes for good nene habitat. Until these parks are enclosed with woven wire fencing and the thousands of feral pigs and goats that infest them are reduced to a reasonable minimum, the vegetation needed by the nenes—to hide from the mongooses which also infest these islands—won't have a chance to grow. Fence the parks, clean out the habitat-destroying goats and the nene-destroying mongooses, and the State bird of Hawaii will have a couple of ideal, already-established refuges.

In summary, we support the objectives of H.R. 505. We feel that the nene-conservation program is a good one but that more emphasis should be placed on habitat acquisition and protection.

Thank you for the opportunity to make these comments.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., May 21, 1965.

HON. HERBERT C. BONNER,
*Chairman, House Committee on Merchant Marine and Fisheries, Cannon House
Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: I should like to comment briefly about H.R. 505, relative to the conservation and preservation of the nene goose in Hawaii and would be pleased if this letter could be made part of the record of a hearing on this subject.

We appreciate the invitation and opportunity to make these comments.

The National Wildlife Federation long has supported the principle of conserving this rare and endangered species of wildlife. It is particularly important that the nene be preserved because it is the State bird of Hawaii. We have been pleased that the modest sum of \$15,000 per year has been provided for cooperative Federal-State efforts to preserve this fine bird and believe even more emphasis could be placed on its management.

It appears that the Department of the Interior can pursue management of this bird in accordance with existing statutes and there may be question about the

need for H.R. 505. We would leave this matter to the discretion and good judgment of the committee. However, we are hopeful that efforts to preserve the nene goose can continue on the present or on an increased scale.

Our affiliate, the Hawaii Wildlife Federation, has been interested in this project and informs us that good progress is being made with the present project. Thank you for the opportunity of making these observations.

Sincerely,

THOMAS L. KIMBALL, *Executive Director.*

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 25, 1965.

HON. HERBERT C. BONNER,

*Chairman, Committee on Merchant Marine and Fisheries, House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN BONNER: The institute wishes to express its support for the objectives of H.R. 505, which would increase the amount authorized to be appropriated to carry out the program for restoring the rare Hawaiian nene goose and extend the program for an additional 5 years. I inspected the nene goose project in Hawaii and have observed the progress that has been made under the act of September 2, 1958. Much progress has been made, and conservationists are hopeful that much more can be done.

We are concerned that enactment of H.R. 505, as drafted, might result in inadvertently placing a ceiling on the amount of money that may be appropriated annually for the nene goose project. The initial enactment served the good purpose of initiating a project when the Federal agency having responsibility for waterfowl resources had difficulty securing adequate financing. This was corrected by the act of September 2, 1958, and the Bureau of Sport Fisheries and Wildlife has taken part in the project for the past 5 years.

It is questionable whether the Bureau has authority to continue the project. An appropriation of \$15,000 was requested in the 1966 budget. This was sustained by the House, and it was increased to \$25,000 by the Senate committee. The Bureau also had requested an appropriation from the land and water conservation fund for its endangered species program, part of which would have been used in Hawaii to lease suitable lands for the nene goose and other rare birds. This request was disallowed by the House committee, however.

The institute urges the committee to extend the nene goose restoration project for an additional 5 years. We also recommend that the committee strike the \$15,000 authorized in the recently expired act, and authorize the appropriation instead of such amounts as may be necessary and advisable to enable the Bureau of Sport Fisheries and Wildlife to bring the project to a successful conclusion.

I would appreciate having this letter made a part of the hearing record.

Sincerely,

C. R. GUTERMUTH, *Vice President.*

(Whereupon, at 10:50 a.m., the hearing was concluded and the committee proceeded to other business.)

MISCELLANEOUS FISHERIES AND WILDLIFE LEGISLATION—1965

PESTICIDE CONTROLS

TUESDAY, JUNE 22, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 1334, Longworth House Office Building, Hon. John D. Dingell presiding.

Mr. DINGELL. The Subcommittee on Fisheries and Wildlife Conservation will come to order.

This morning the Subcommittee on Fisheries and Wildlife Conservation will begin hearings on several bills designed to improve the protection of fish and wildlife from the use of insecticides, herbicides, fungicides, or other pesticides.

This subject has been considered by the subcommittee during the past several Congresses and, in the course of the prior hearings, a considerable amount of testimony was received concerning the harmful effects of these poisonous chemicals on fish and wildlife. Much of this testimony has indicated a lack of advance knowledge and information as to the toxic effects of these chemicals.

Over the years, we have witnessed an immense increase in toxicity and have seen and heard of the considerable widespread distribution of these lethal poisons in the control of some plantlife without due regard to the effects on anything else.

Unfortunately, with each new discovery it appears that the insect kingdom has managed to build up an immunity and is holding its own, while mankind, fish, and wildlife are falling behind, unable to absorb and adapt to the increasingly toxic chemicals.

In the last Congress, the committee reported and the House passed H.R. 4487, which would have increased the authorized funds for additional research on the harmful effects of chemicals to fish and wildlife and would have provided some protection to fish and wildlife by requiring these chemicals to be properly labeled.

The bills to be heard today are H.R. 4157, which is identical to my bill of the last Congress, H.R. 4487, and H.R. 4158 and the Senate companion bill, S. 1623, which has now passed the Senate and is pending before the subcommittee.

The committee is most hopeful that the witnesses this morning will offer valuable information that will be of assistance in determining

what legislation would be beneficial to humans, fish and wildlife, and yet adequately control harmful insects and plantlife.

Let the bills and agency reports appear at this point in the record.
(The bills and agency reports referred to follow:)

[H.R. 4157, 89th Cong., 1st sess.]

A BILL To amend the Act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of August 1, 1958 (16 U.S.C. 742d-1), is amended by inserting "(a)" immediately after "That" and by adding at the end thereof the following new subsection:

"(b) On the basis of the studies carried on pursuant to subsection (a) of this section, the Secretary of the Interior shall transmit information to the Secretary of Agriculture as to how, in the use of insecticides, herbicides, fungicides, or other pesticides, injury to fish and wildlife can be prevented or minimized and the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall require that such information or warning pertinent to any insecticide, herbicide, fungicide, or other pesticide shall appear on the label of each package of such insecticide, herbicide, fungicide, or other pesticide, as the case may be, which is required to be labeled under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k)."

SEC. 2. The Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended by deleting section 2 and by inserting new sections 2 and 3 as follows:

"SEC. 2. The Secretary of the Interior is authorized—

"(1) to conduct a program of evaluating chemicals proposed for use as insecticides, herbicides, fungicides, or other pesticides for the purposes of determining whether the chemicals are harmful or hazardous to the Nation's fish and wildlife resources;

"(2) to distribute to interested persons and agencies, both public and private, data collected under this Act showing the effects of insecticides, herbicides, fungicides, or other pesticides; and

"(3) to operate and maintain existing facilities, including laboratories, necessary to carry out the purposes of this Act.

"SEC. 3. There is authorized to be appropriated the sum of \$2,565,000 per fiscal year through fiscal year 1966, \$3,200,000 for fiscal year 1967, and \$5,000,000 per fiscal year thereafter."

SEC. 3. The amendments made by this Act shall take effect on the one hundred and eightieth day after the date of enactment of this Act.

[H.R. 4158, 89th Cong., 1st sess.]

A BILL To provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Chemical Pesticides Coordination Act".

SEC. 2. No officer or agency of the Federal Government shall initiate or provide any financial or other assistance for any program involving the use of any chemical insecticide, herbicide, fungicide, rodenticide, or other chemical for the purpose of eradicating or controlling animal or plant pests until such officer or agency has consulted with the United States Fish and Wildlife Service, and through such Service, with the head of the agency exercising administration over the wildlife resources of each State to be affected by the program.

SEC. 3. The United States Fish and Wildlife Service shall advise the officers and agencies consulting with it, as required by section 2, of the damage to wildlife resources which might result from any proposed program. Such Service shall cooperate with such Federal officers and agencies in developing programs involving the use of chemical insecticides, herbicides, fungicides, rodenticides, or other methods for the purpose of eradicating or controlling any animal or

plant pest, with a view to achieving the results desired while minimizing the undesirable effects of the program on the wildlife resources of the area. In the event any Federal officer or agency shall fail to take any action recommended by the United States Fish and Wildlife Service, such Service shall make a report thereof without delay to the Congress for referral to the appropriate committees.

SEC. 4. The Secretary of the Interior may, by regulations, make exceptions from the application of this Act where, by reason of the limited nature of the program or by reason of the proved harmlessness of the chemical involved, little or no damage to wildlife resources could result from the program.

SEC. 5. Any Federal department or agency, in submitting requests to the Congress for appropriations for programs involving the use of chemical insecticides, herbicides, fungicides, rodenticides, or other chemicals for the eradication or control of any animal or plant pest, shall accompany such request by a full description of the proposed program, including the comments and recommendations of the Fish and Wildlife Service of the Department of the Interior.

SEC. 6. This Act shall take effect one year from the date of its enactment.

[S. 1623, 89th Cong., 1st sess.]

AN ACT To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read as follows:

"SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to exceed \$5,000,000 for each of the two fiscal years immediately following such year."

Passed the Senate April 29, 1965.

Attest:

FELTON M. JOHNSTON,
Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 14, 1965.

Hon. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of February 5, 1965, giving us the opportunity to review and report on H.R. 4157, a bill entitled "To amend the Act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides."

The bill would authorize the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides for the purpose of determining whether the chemicals are harmful or hazardous to fish and wildlife resources. It provides that on the basis of these studies, the Secretary of the Interior shall transmit information to the Secretary of Agriculture as to how injury to fish and wildlife through the use of insecticides, herbicides, fungicides, or pesticides can be prevented or minimized, and that the Secretary of Agriculture shall require such information or warning to appear on the label of each package of such insecticide, herbicide, fungicide, or pesticide under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act. The bill further provides that the Secretary of the Interior would distribute, to interested persons and agencies, both public and private, data collected showing the effects of pesticides and would authorize him to operate and maintain facilities necessary to carry out the purposes of the bill. H.R. 4157 also would authorize the appropriation of the necessary funds to carry out its purposes. The proposed amendments would be effective 180 days after the bill's enactment.

This Department has no objection to the proposed bill to the extent that it would provide new and more extensive research data on the relation of pesti-

cides to fish and wildlife and increased information to this Department for use in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. However, we defer to the Department of the Interior as to the need for this provision.

The provisions of that part of the proposed amendment dealing with the labeling of products registered under the Federal Insecticide, Fungicide, and Rodenticide Act would appear to create the possibility of a conflict of authority between the Secretary of Agriculture and the Secretary of the Interior in the administration of the act. Further, these provisions are being carried out administratively through an interdepartmental agreement among the Departments of Health, Education, and Welfare; the Interior; and Agriculture developed as a result of the President's Science Advisory Committee report on the "Use of Pesticides."

Therefore, this Department does not recommend enactment of H.R. 4157.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 15, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 5, 1965, for a report on H.R. 4157, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

Section 1 of H.R. 4157 would require the Secretary of the Interior on the basis of studies of the effects of insecticides, herbicides, fungicides, or pesticides on fish and wildlife, to transmit to the Secretary of Agriculture information as to how, in the use of such chemicals, injury to fish and wildlife can be prevented or minimized. The Secretary of Agriculture, in consultation with the Secretary of the Interior, would be required to have such information appear on the label of each package of pesticides which is required to be labeled under the Federal Insecticide, Fungicide, and Rodenticide Act.

Section 2 of H.R. 4157 would authorize the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides, to determine whether the chemicals are harmful or hazardous to fish and wildlife; to distribute data showing the effects of pesticides on fish and wildlife; and to operate and maintain facilities necessary to these purposes. It also provides for an increase in the present appropriations ceiling for the Department of Interior.

We are in accord with the objectives of this bill to give due consideration to the interests of conservation of fish and wildlife in the regulation of pesticides. We believe, however, that section 1 of the bill in regard to labeling is unnecessary. In 1964 an interdepartmental agreement was entered into between the Departments of Agriculture, Interior, and Health, Education, and Welfare to coordinate the activities of the three departments pertaining to pesticides. This agreement outlines the responsibilities of the respective departments which relate to the registration of pesticides and the setting of tolerances for pesticide residues. The agreement further provides that each department will undertake to keep each of the other departments fully informed of developments in knowledge on this subject from research or other sources which may come into its possession. The agreement also outlines the procedures to implement these interdepartmental coordination procedures. This interdepartmental agreement is intended to provide a mechanism for the efficient coordination of matters relating to pesticides which section 1 of H.R. 4157 undertakes to remedy. A copy of this agreement is attached for your information.

We defer to the views of the Department of the Interior with respect to section 2 of the bill.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

EXHIBIT X1-945-1

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF THE INTERIOR, AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON INTERDEPARTMENTAL COORDINATION OF ACTIVITIES RELATING TO PESTICIDES

PURPOSE

Coordination of activities of the three departments pertaining to pesticides with special reference to registration and the setting of tolerances to give effect to the pertinent recommendations of the May 15, 1963, report of the President's Science Advisory Committee on "Use of Pesticides."

EXISTING DEPARTMENTAL RESPONSIBILITIES

The following responsibilities of the respective departments relate to the registration of pesticides and the setting of tolerances for pesticide residues:

Department of the Interior

Fish and Wildlife Service.—Conserving beneficial wild birds, mammals, fish and their food organisms and habitat, with regard to pesticides.

Department of Health, Education, and Welfare

U.S. Public Health Service.—Protecting and improving the health of man in regard to pesticides.

Food and Drug Administration.—Establishing tolerances for pesticides in or on raw agricultural commodities and processed foods.

Department of Agriculture

Agricultural Research Service.—Providing for the safe and effective use of pesticides, including the registration thereof.

AGREEMENT

1. Information: Each Department undertakes to keep each of the other departments fully informed of developments in knowledge on this subject from research or other sources which may come into its possession. Additionally, the Department of Agriculture undertakes to furnish to the other two departments on a weekly basis a listing of all proposals affecting registration and re-registration, and the Department of Health, Education, and Welfare undertakes to furnish to the other two Departments on a weekly basis a listing of all proposals affecting tolerances. Upon request, the Departments of Agriculture and Health, Education, and Welfare respectively will furnish to the other Departments full information about any pending action on registration or the setting of a tolerance.

2. Procedure:

(a) Each Department will designate a scientist to act on behalf of such department in carrying out the terms of this agreement. The weekly listings from the Departments of Agriculture and Health, Education, and Welfare and any additional information relating thereto will be directed to these representatives.

(b) The departmental representative will review the weekly listings of actions pending. If there is reason to question any of them items on that list, this will be communicated to the originating Department within 1 week, stating the specific reason for need for further review.

(c) Upon receipt of such request the originating Department will furnish the necessary information and make the necessary arrangements for further review and will withhold final action on the matter for an additional 3 weeks.

(d) If one Department concludes that the proposal should be rejected in whole or in part, this view shall be expressed in writing and shall be supported by appropriate scientific evidence. Upon being notified, the Department responsible for final action will take the initiative to work out a basis for agreement.

(e) In the event agreement is not reached among the Department representatives within 2 weeks of the initial objection, the matter will then be referred directly to the Secretary of the Department responsible for final action with such information, views, and recommendations as the three Department representatives deem appropriate.

(f) The Secretary of the Department charged with final action may then avail himself of whatever administrative and scientific review procedures seem

appropriate under the circumstances. The other two Departments will be notified in advance of the proposed final determination of the issues.

(g) The Department representatives will jointly make a quarterly report concerning their activities to the Secretaries of the three Departments.

(h) The departmental representatives are authorized to review questions involving existing patterns of use of pesticides or tolerances upon which they have reason to believe that critical questions exist.

3. Conference: At least once each year the departmental representatives will arrange a general conference to discuss research needs, research program and policy, and the application of research findings in action programs, including public information relating to pesticides.

4. Federal Pest Control Board Review Board: The Federal Pest Control Review Board may be asked from time to time to consider broad questions on policies relating to pesticides involving the interrelationships of control programs, research, registration, tolerances, and general departmental recommendations to the public.

ORVILLE L. FREEMAN,
Secretary, Department of Agriculture.

APRIL 8, 1964.

STEWART L. UDALL,
Secretary, Department of the Interior.

MARCH 27, 1964.

ANTHONY J. CELEBREZZE,
Secretary, Department of Health, Education, and Welfare.

APRIL 3, 1964.

PRINCIPAL DEPARTMENT REPRESENTATIVES TO ADMINISTER AGREEMENT ON INTERDEPARTMENTAL COORDINATION OF CERTAIN PESTICIDES

ACTIVITIES

Department of Agriculture:

Dr. Robert J. Anderson, Deputy Administrator, Agricultural Research Service, room 302-E, Administration Building, telephone: 111-5601.

Department of Health, Education, and Welfare:

Principal Department Representative: Dr. William H. Stewart, Assistant to the Special Assistant to the Secretary (Health and Medical Affairs), Office of the Secretary, room 5238, HEW North Building, telephone: 13-37227.

Associate Department Representative for Food and Drug Administration Matters: Mr. J. Kenneth Kirk, Assistant Commissioner for Operations, Food and Drug Administration, room 3354, HEW North Building, telephone: 13-23012.

Associate Department Representative for Public Health Service Matters: Dr. Robert J. Anderson, Chief, Bureau of State Services, Public Health Service, room 2006, HEW South Building, telephone: 13-23191.

Department of the Interior:

Mr. Lansing A. Parker, Associate Director, Bureau of Sport Fisheries and Wildlife, room 3257, Interior Building, telephone: 183-5313.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 19, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. BONNER: Your committee has requested our views and recommendations on H.R. 4157, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

H.R. 4157 amends the act of August 1, 1958, as amended (16 U.S.C. 742d-1). First, it adds a provision requiring the Secretary of Agriculture to include on the labels of each package of pesticides required to be labeled under the Federal Insecticide, Fungicide, and Rodenticide Act certain information and a warning on the use of pesticides so as to prevent injury to fish and wildlife. Second, the bill authorizes the Secretary of the Interior to conduct a program of evaluating pesticidal chemicals, to disseminate information on the effects of pesticides,

and to operate and maintain existing facilities to carry out the purposes of the 1958 act. Third, the bill increases the present appropriations ceiling of \$2,565,000 to \$3.2 million in fiscal year 1967, and to \$5 million in each such year thereafter.

We believe that the provision in the bill relating to labeling is unnecessary. As we indicated to your committee in commenting on similar legislation during the 88th Congress, the objectives of this labeling provision are now being carried out administratively under an agreement between this Department and the Departments of Agriculture and Health, Education, and Welfare. A copy of the agreement is enclosed for your information.

We also believe that the provisions in section 2 of the bill are unnecessary. The Department now has sufficient authority under the 1958 act and the Fish and Wildlife Act of 1956 to carry out all of the activities mentioned in this section of the bill.

By letter dated February 25, 1965, this Department transmitted a bill to remove the present ceiling of \$2,565,000 on annual appropriations for pesticides research by this Department as recommended by the President in his natural beauty message to the Congress. It was introduced in the Senate as S. 1623. We strongly recommend that legislation in the form of our draft bill be enacted in lieu of the provisions of H.R. 4157.

We therefore recommend against the enactment of H.R. 4157.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program. The Bureau also advises that the proposed legislation transmitted to the Congress by the Department of the Interior on February 25, 1965, relating to the removal of the ceiling on pesticide research is in accord with the program of the President.

Sincerely yours,

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

INTERDEPARTMENTAL COORDINATION OF ACTIVITIES RELATING TO PESTICIDES BY THE DEPARTMENT OF AGRICULTURE; THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; AND THE DEPARTMENT OF THE INTERIOR

PURPOSE

Coordination of activities of the three Departments pertaining to pesticides with special reference to registration and the setting of tolerances to give effect to the pertinent recommendations of the May 15, 1963, report of the President's Science Advisory Committee on "Use of Pesticides."

EXISTING DEPARTMENTAL RESPONSIBILITIES

The following responsibilities of the respective Departments relate to the registration of pesticides and the setting of tolerances for pesticide residues:

Department of the Interior

Fish and Wildlife Service.—Conserving beneficial wild birds, mammals, fish and their food organisms and habitat, with regard to pesticides.

Department of Health, Education, and Welfare

U.S. Public Health Service.—Protecting and improving the health of man in regard to pesticides.

Food and Drug Administration.—Establishing tolerances for pesticides in or on raw agricultural commodities and processed foods.

Department of Agriculture

Agricultural Research Service.—Providing for the safe and effective use of pesticides, including the registration thereof.

AGREEMENT

1. Information: Each Department undertakes to keep each of the other Departments fully informed of developments in knowledge on this subject from research or other sources which may come into its possession. Additionally, the Department of Agriculture undertakes to furnish to the other two Departments on a weekly basis a listing of all proposals affecting registration and reregistra-

tion, and the Department of Health, Education, and Welfare undertakes to furnish to the other two Departments on a weekly basis a listing of all proposals affecting tolerances. Upon request, the Departments of Agriculture and Health, Education, and Welfare, respectively, will furnish to the other Departments full information about any pending action on registration or the setting of a tolerance.

2. Procedure:

(a) Each Department will designate a scientist to act on behalf of such Department in carrying out the terms of this agreement. The weekly listings from the Departments of Agriculture and Health, Education, and Welfare and any additional information relating thereto will be directed to these representatives.

(b) The departmental representative will review the weekly listings of actions pending. If there is reason to question any of the items on that list, this will be communicated to the originating Department within 1 week stating the specific reason for need for further review.

(c) Upon receipt of such request the originating Department will furnish the necessary information and make the necessary arrangements for further review and will withhold final action on the matter for an additional 3 weeks.

(d) If one Department concludes that the proposal should be rejected in whole or in part, this view shall be expressed in writing and shall be supported by appropriate scientific evidence. Upon being notified, the department responsible for final action will take the initiative to work out a basis for agreement.

(e) In the event agreement is not reached among the Department representatives with 2 weeks of the initial objection, the matter will then be referred directly to the Secretary of the Department responsible for final action with such information, views, and recommendations as the three Department representatives deem appropriate.

(f) The Secretary of the Department charged with final action may then avail himself of whatever administrative and scientific review procedures seem appropriate under the circumstances. The other two Departments will be notified in advance of the proposed final determination of the issues.

(g) The Department representatives will jointly make a quarterly report concerning their activities to the Secretaries of the three Departments.

(h) The departmental representatives are authorized to review questions involving existing patterns of use of pesticides or tolerances upon which they have reason to believe that critical questions exist.

3. Conference: At least once each year the departmental representatives will arrange a general conference to discuss research needs, research program and policy, and the application of research findings in action programs, including public information relating to pesticides.

4. Federal Pest Control Review Board: The Federal Pest Control Review Board may be asked from time to time to consider broad questions on policies relating to pesticides involving the interrelationships of control programs, research, registration, tolerances, and general departmental recommendations to the public.

ORVILLE L. FREEMAN,
Secretary, Department of Agriculture.

APRIL 8, 1964.

STEWART L. UDALL,
Secretary, Department of the Interior.

MARCH 27, 1964.

ANTHONY J. CELEBREZZE,
Secretary, Department of Health, Education, and Welfare.

APRIL 3, 1964.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 24, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: Thank you for your letter of February 5, 1965, giving us the opportunity to report on H.R. 4158. The bill is entitled "To provide for advance consultation with the Fish and Wildlife Service and with State wild-

life agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.”

This bill would provide that no officer or agency of the Federal Government shall initiate or provide any financial or other assistance for any programs involving the use of any chemical insecticide, herbicide, fungicide, rodenticide, or other chemical for the eradication or control of animal or plant pests without prior consultation with the U.S. Fish and Wildlife Service and, through such Service, with wildlife agencies in the States involved. The U.S. Fish and Wildlife Service would then cooperate with the officer or agency in the development of the proposed program to achieve the desired results without undesirable effects on wildlife. If the recommendations of the U.S. Fish and Wildlife Service were not followed, that Service would so report to the Congress. Limited programs, or those involving harmless chemicals, may be exempted by the Secretary of the Interior. Any Federal department or agency requesting appropriations from Congress for programs involving the use of an insecticide, herbicide, fungicide, rodenticide, or other chemical for eradication or control purposes would have to accompany such requests with a full description of the proposed program, together with comments and recommendations of the Fish and Wildlife Service.

Chemicals essential to the health and comfort of people, the maintenance of a safe and adequate food supply, and the preservation of our natural resources, must be used intelligently and with full consideration of any possible adverse effect. This involves not only a consideration of fish and wildlife values, but also a most careful evaluation of the effects upon domestic animals, our daily food supply, and upon man himself. Advancements in technology and the rapid expansion in the use of chemicals in all aspects of present day living demand the closest cooperation and understanding between departments and agencies of Government.

The Department of Agriculture is interested in this problem from two standpoints. First, we are concerned about any adverse effects that agricultural programs could have on human health, or on fish and wildlife. Second, we are concerned about any adverse effects on agriculture of programs carried out for other purposes, such as control of mosquitoes, predator aquatic plants, and undesirable fish.

Accordingly, we have representation on the Federal Committee on Pest Control, established on July 27, 1964, which replaced the Federal Pest Control Review Board which had been established at the initiation of this Department. Members on the Committee include representatives from the Departments of Agriculture; Defense; Interior; and Health, Education, and Welfare.

In establishing the Committee, it was recognized that proper usage of pesticide chemicals to destroy unwanted pests and disease organisms as they affect man, animals, and plants has a enormous potential for the public good. However, it was felt, that at the same time, there must be a recognition that chemicals which will kill or control pests are in many cases, capable of causing harm. Therefore, it was considered essential that any contemplated use of a pesticide chemical be first evaluated as to the good that its use is expected to achieve, the harm which may result, the precautions which should be taken to minimize harmful effects, and a decision made as to whether any risk that may be involved is warranted in the light of the benefits contemplated.

The purpose of the Committee is—

1. To review plans for and maintain review of pest control programs in which there is active participation on the part of the Federal Government in planning and developing procedures and some degree of responsibility for supervision or funding.

2. To advise the appropriate department of its evaluation in each instance so that suitable action may be taken.

3. To identify potential problems in order that such problems may be avoided or minimized. In particular, to consider problems and public views arising from pesticide uses that involve hazards to human health, to livestock and crops, to fish or wildlife, or to the economic well-being of business, industry, or agriculture.

4. To advise the various departments and agencies of Government concerning problems in the use of pesticides and other chemicals, especially in cases involving interdepartmental interests and responsibilities, to insure that effective, economical, and safe procedures are followed.

We, therefore, believe that the Department of the Interior by its membership on the Federal Committee on Pest Control is provided with the mechanism for

consultation and decision on pest control programs. The kind of procedures that are embodied in the Federal Committee on Pest Control are broader in scope than those set forth in H.R. 4158. This Department believes that H.R. 4158 is unnecessary and, therefore, does not recommend enactment.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

DEPARTMENT OF THE ARMY,
Washington, D.C., May 14, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 4158, 89th Congress, a bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

This bill would require advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls, with a view to achieving the results desired while minimizing the undesirable effects of any such program on the wildlife resources of the area. Should any Federal officer or agency fail to take any action recommended by the Fish and Wildlife Service, the Service would be required to report such failure to Congress without delay.

The Secretary of the Interior would be authorized to except from application of the bill programs which are limited to nature or which involve chemicals proven harmless where little or no damage to wildlife would result.

Section 5 of the bill would require Federal departments or agencies to accompany requests for appropriations for programs involving the use of such biological control agents with a full description of the proposed program, including the comments and recommendations of the Fish and Wildlife Service.

The Department of Defense fully recognizes the desirability of protecting fish and wildlife from detrimental effects of harmful pesticides. In this connection, the military departments coordinate pest control practices very closely with the Fish and Wildlife Service, Department of the Interior, and with other Government agencies in developing methods and pesticides that can be used for this purpose and at the same time provide adequate safeguards to personnel and beneficial animals. Technical manuals and instructions issued by military departments emphasize precautions to be taken to protect beneficial and harmless species of plant and animal life in all operations where they might be endangered. All measures employed to control birds, field rodents and predatory animals are those recommended by the Fish and Wildlife Service. Personnel who disperse pesticides at military installations receive training in safe and effective control measures biannually. Representatives of the Fish and Wildlife Service participate in those training conferences.

Current regulations of the military departments on aerial dispersal of pesticides require that aerial spray operations be coordinated with Federal, State and local governmental agencies having an interest in the work, including the Department of the Interior (Fish and Wildlife Service), and that adequate provisions be made to protect fish and other beneficial and harmless wildlife.

The requirements of section 2 and section 5 of the bill would present difficult administrative problems. Military installations are located in many States where local conditions and pest problems necessitate different methods of control. Advance coordination with State officials and the submission to Congress of a detailed description of proposed programs with requests for appropriations would not be workable and would not be compatible with the need for immediate action to protect the health of military personnel from outbreaks and disease which cannot be anticipated. It is believed that the bill would not improve the

present effective informal relationship with the Fish and Wildlife Service and would add unnecessary administrative burdens.

With respect to water resource development programs of the Army Corps of Engineers, the objectives of this bill and procedures similar to those prescribed therein have long been in effect. In addition, all water resource developments are fully coordinated as prescribed by the Fish and Wildlife Coordination Act, Public Law 85-624, approved August 12, 1958.

In connection with water resource developments of economic importance to flood control navigation, drainage, agriculture, public health, recreation, fish and wildlife, and related purposes, chemicals are used for mass biological control of insect vectors of communicable disease and as herbicides for control of obnoxious aquatic weeds. The Fish and Wildlife Service participates in the formulation of plans for these activities as do other Federal, State and local agencies having jurisdictional responsibilities and interests in this field.

The Federal Committee on Pest Control (formerly the Federal Pest Control Review Board) composed of representatives of the Departments of Agriculture; Defense; Health, Education, and Welfare; and Interior, reviews all Federal programs relating to the use of pesticides. The Committee advises the various departments and agencies of Government concerning problems in the use of pesticides and other chemicals, especially cases involving interdepartmental interests and responsibilities, to insure that effective, economical and safe procedures are followed.

It is believed that coordination in the use of pesticides as proposed by H.R. 4158 is being handled more effectively and expeditiously through the existing Committee than is probable through procedures in the bill. Recommendations contained in the President's Science Advisory Committee report "Use of Pesticides," dated May 15, 1963, are being implemented by the various agencies.

For the foregoing reasons, the Department of the Army, on behalf of the Department of Defense, recommends that H.R. 4158 not be favorably considered.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

STEPHEN AILES,
Secretary of the Army.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 15, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 5, 1965, for a report on H.R. 4158, a bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

This bill would provide that no officer or agency of the Federal Government shall initiate or provide any financial or other assistance for any program involving the use of any chemical insecticide, herbicide, fungicide, rodenticide, or other chemical for the eradication or control of animal or plant pests without prior consultation with the U.S. Fish and Wildlife Service and, through such Service, with wildlife agencies in the States involved. The Fish and Wildlife Service would then cooperate with the officer or agency in the development of the proposed program to achieve the desired results while minimizing the undesirable effects on wildlife. If the recommendations of the Fish and Wildlife Service were not followed, that Service would so report to the Congress. Limited programs, or those involving harmless chemicals, might be exempted by the Secretary of the Interior. Any Federal department or agency requesting appropriations from Congress for programs involving the use of an insecticide, herbicide, fungicide, rodenticide, or other chemical for eradication or control purposes would have to accompany such requests with a full description of the proposed

program together with comments and recommendations of the Fish and Wildlife Service.

The Public Health Service of this Department has conducted, or cooperated in, programs in which pesticides are used, usually in quite limited geographical areas, for emergency or experimental control of arthropods that transmit human diseases. The Service also furnishes technical consultation to State and local health departments that conduct insecticide programs. The Service conducts research on the health hazards of pesticides and informs and advises on protective and precautionary measures to health workers, people who use pesticides, and the public. We are, therefore, deeply interested both in measures for the control of animal, insect, and plant pests as well as the undesirable effects such control measures may have.

This bill reflects the mounting public concern over the potential hazards arising from the widespread use of chemical pesticides. These hazards, however, menace not only our wildlife resources, but reach across the whole spectrum of human and animal life. The environmental effects of such pesticides may have long-term and far-reaching consequences, both on man himself and on the friendly, as well as the hostile, elements of man's environment.

Recognizing the broad interest involved in this problem, the Federal Pest Control Review Board was established in 1961 through the joint action of the Secretaries of Agriculture, Interior, Defense, and Health, Education, and Welfare. This Board was replaced in 1964 by the Federal Committee on Pest Control composed of representatives from these same Departments. The functions of this Committee are broader in scope than those of the former Board, the functions of which were limited primarily to Federal pest control programs. The Fish and Wildlife Service, among other Federal agencies, is represented on this Committee, as are the Public Health Service and the Food and Drug Administration of this Department.

The Committee reviews pest control programs which Federal agencies conduct or participate in, with particular reference to possible adverse effects and the adequacy of provisions for the proper use of pesticidal chemicals to insure the greatest public and national benefit. The Committee considers problems arising from pesticide uses that involve hazards to human health, to livestock and crops, to fish or wildlife or to the economic well-being of business, industry, agriculture, or the general public. After an evaluation of the proposed use, the Committee advises the heads of Federal agencies concerning the administration and operation of such programs with a view to achieving the results desired with minimum undesirable effects. A detailed statement of the functions and procedures of the Committee is attached for your information.

This interagency Committee, already in being, affords an appropriate forum for the resolution of the problems which H.R. 4158 is designed to remedy. We, therefore, do not see any need for the enactment of H.R. 4158.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

FEDERAL COMMITTEE ON PEST CONTROL

FUNCTIONS AND PROCEDURES

A. NAME

There is hereby established the Federal Committee on Pest Control. This Committee shall replace the Federal Pest Control Review Board that was established through joint action of the Secretaries of Agriculture, Interior, Defense, and Health, Education, and Welfare by endorsement of the Secretary of Agriculture letter dated June 22, 1961, and which is hereby abolished.

B. ESTABLISHMENT AND PURPOSE

Proper usage of pesticide chemicals to destroy unwanted pests and disease organisms as they affect man, animals, and plants has an enormous potential for the public good. There must, at the same time, be a recognition that chemicals which will kill or control pests are, in many cases, capable of causing harm.

It is therefore, essential that any contemplated use of a pesticide chemical be first evaluated as to the good that its use is expected to achieve, the harm which may result, the precautions which should be taken to minimize harmful effects, and a decision made as to whether any risk that may be involved is warranted in the light of the benefits contemplated. Because of this recognition and the fact that the Federal Government both recommends and participates in pest control, regulatory, research, and information programs involving pesticide chemicals, this Committee is being established to replace the former Federal Pest Control Review Board, the functions of which were limited primarily to Federal pest control programs.

This Committee is to review plans for and maintain review of pest control programs in which there is active participation on the part of the Federal Government in planning and developing procedures and some degree of responsibility for supervision or funding. The Committee shall advise the appropriate Department of its evaluation in each instance so that suitable action may be taken. The Committee shall identify potential problems in order that such problems may be avoided or minimized. In particular, the Committee shall consider problems and public views arising from pesticide uses that involve hazards to human health, to livestock and crops, to fish or wildlife, or to the economic well-being of business, industry, or agriculture. Problems arising from use of pesticides, including those that may result from non-Federal programs or use, may be considered by the Committee whenever they are related to the purposes of the Committee. The Committee will advise the various Departments and agencies of Government concerning problems in the use of pesticides and other chemicals, especially in cases involving interdepartmental interests and responsibilities, to insure that effective, economical, and safe procedures are followed.

C. FUNCTIONS

(1) The Committee shall review the various programs proposed and conducted by Federal agencies for the control of animal and plant life which adversely affect man's interests, and shall consider problems and developments in the field of chemical control, with particular reference to possible harmful effects and the adequacy of provisions for the proper use of pesticidal chemicals to insure the greatest public benefit. The Committee shall advise the heads of Federal Departments or agencies concerning the administration and operation of such programs to achieve the results desired with minimum undesirable effects.

(2) In order to assure the acquisition of timely, systematic data on pesticide residues in man and his environment, the Committee shall review plans for and facilitate coordination of the various monitoring programs conducted by Federal agencies. The Committee shall promote the development and adoption of standardized collection and analytical techniques, and shall review pesticide monitoring data from all sources.

(3) The Committee shall review on a continuing basis the planned and current pest control research programs of Federal agencies with the objective of coordinating such program for maximum efficiency, effectiveness, and balance.

(4) The Committee shall review on a continuing basis the various educational programs concerned with pest control of Federal agencies and shall make such recommendations as are deemed necessary to insure adequate public awareness of hazards associated with the use of pesticides.

(5) The recommendations of the Committee should be prepared in the light of departmental responsibilities established by law and cannot be construed as limiting any of the statutory mandates of the departments. However, the Committee shall be alert to problems requiring new legislation for their resolution, and shall recommend to the appropriate departments the preparation of needed legislation.

D. PROCEDURES

(1) The member departments of the Committee will submit as required, descriptions of their proposed and current pest control programs, and monitoring, research, and educational programs pertaining to pest control, for review and identification of those elements of concern to more than one department represented on the Committee.

(2) Programs and problems for review by the Committee may be received from any Federal agency.

(3) Programs and problems referred to the Committee will be screened for interdepartmental interest or responsibility.

(4) When it appears that problems can be satisfactorily resolved they will be referred to the responsible department or departments for direct consultation and action and the Committee shall be advised of the results of such consultations and actions.

(5) In carrying out its functions, the Committee may establish subcommittees, ad hoc work groups, or panels of specialists to assist in discharging the Committee's responsibilities.

(6) The Committee will evaluate the best technical estimates of the gains and losses to be expected with and without proposed control programs, the methods and procedures which will minimize adverse effects, the advice of other duly constituted and qualified agencies and individuals, and when indicated, will submit its recommendations to the heads of the departments or agencies concerned.

E. MEMBERS

(1) Membership is by appointment of not more than two members and two alternates each from the Departments of Agriculture, Interior, Defense, and Health, Education, and Welfare.

(2) Members and alternates are appointed by letter to the Chairman from the departments eligible to make the appointments.

F. OFFICERS AND STAFF

(1) The officers of the Committee shall be—

- (a) Chairman.
- (b) Vice Chairman.
- (c) Executive Secretary.

The Chairman and Vice Chairman shall be elected by the Committee from among its members. The Executive Secretary shall be appointed by the Chairman with the concurrence of the Committee.

(2) It shall be the duty of the Chairman to preside at all meetings and to maintain compliance with established procedures. He shall call meetings of the Committee when he deems it necessary or upon request of any member department. The Chairman shall exercise leadership in seeking timely resolution of interagency differences on matters before the Committee. In the absence of the Chairman, the Vice Chairman will perform the functions of the Chairman. In the absence of both, the Chairman will furnish the Secretary with the names of those individuals who successively can assume these duties.

(3) All resolutions and proceedings of meetings of the Committee shall be appropriately recorded by an Executive Secretary who shall be responsible to the Chairman for preparing and disseminating the minutes to the membership. The Executive Secretary shall conduct the usual correspondence relative to the Committee, shall issue notice of meetings, and shall perform all duties pertaining to the office of an Executive Secretary. He shall keep a register of the members of the Committee and shall act as archivist of the organization.

(4) The Committee shall be provided professional and clerical staff resources necessary to perform studies, analyses and other secretariat services as assigned. The Executive Secretary shall be responsible for the functioning of the staff, and shall carry out the duties prescribed by the Chairman under the general direction of the Committee.

G. MEETINGS

(1) Meetings shall be held at the call of the Chairman following coordination with members regarding time, place, and date.

(2) Decisions of the Committee shall be made normally at regular meetings where there is an opportunity for discussion, and not by correspondence or telephone calls except in rare cases of urgency.

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II. QUORUM

A majority of the members of the Committee shall constitute a quorum authorized to transact any business duly presented at any meeting of the Committee.

Approved:

STEWART L. UDALL,
Secretary of the Interior.

JUNE 19, 1964.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

JUNE 16, 1964.

ROBERT S. McNAMARA,
Secretary of Defense.

JULY 27, 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

JULY 10, 1964.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. BONNER: Your committee has requested this Department's views and recommendations on H.R. 4158, a bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

H.R. 4158 prohibits Federal agencies from giving any assistance of any kind for any program using pesticides for the purpose of eradicating or controlling animal or plant pests, until first consulting with the U.S. Fish and Wildlife Service. It directs the Service to advise these agencies of potential damages to wildlife from the use of pesticides. If any agency does not accept the Service's recommendations, the Service will report the matter to Congress. The Secretary of the Interior may make exceptions under limited circumstances. The Secretary will be responsible for advising Congress on the programs of any agency using pesticides when that agency seeks appropriations.

The bill also directs the Secretary to consult with the interested States prior to initiating a control program. We think that such consultation is desirable. The Federal Committee on Pest Control is now insisting on such consultation.

The Fish and Wildlife Act of 1956 placed all of the functions and responsibilities for conducting a program relating to the conservation of fish and wildlife in the Secretary of the Interior. The Secretary carries out these functions through the U.S. Fish and Wildlife Service. We believe that any legislation, such as H.R. 4158, which authorizes additional functions to be carried out by the Secretary should place the responsibility in the Secretary.

H.R. 4158 gives to the Service virtual control over all Federal pesticide eradication or control programs. It implies that the only interest where such control is necessary is fish and wildlife. It does not consider the impact of any Federal pesticide control program on other interests, such as man and domestic animals, which are the primary concern of other agencies. We favor consultation prior to initiating a Federal control program, including consultations with the interested States. We think, however, that the consultation should not be so limited.

We believe that the coordination of Federal pesticide control programs can best be accomplished through the Federal Committee on Pest Control which is composed of representatives of the agencies, including this Department, having responsibilities in this field. A copy of the "charter" establishing this Committee is enclosed for your information. The Federal Committee on Pest Control can provide a more comprehensive review of Federal pesticide control programs than the one established by this bill. Furthermore, the existing arrangements

for coordination are flexible and can be revised to meet emerging needs. We therefore recommend against the enactment of H.R. 4158.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

FEDERAL COMMITTEE ON PEST CONTROL

FUNCTIONS AND PROCEDURES

A. NAME

There is hereby established the Federal Committee on Pest Control. This Committee shall replace the Federal Pest Control Review Board that was established through joint action of the Secretaries of Agriculture, Interior, Defense, and Health, Education, and Welfare by endorsement of the Secretary of Agriculture letter dated June 22, 1961, and which is hereby abolished.

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Proper usage of pesticide chemicals to destroy unwanted pests and disease organisms as they affect man, animals, and plants has an enormous potential for the public good. There must, at the same time, be a recognition that chemicals which will kill or control pests are, in many cases, capable of causing harm. It is therefore essential that any contemplated use of a pesticide chemical be first evaluated as to the good that its use is expected to achieve, the harm which may result, the precautions which should be taken to minimize harmful effects, and a decision made as to whether any risk that may be involved is warranted in the light of the benefits contemplated. Because of this recognition and the fact that the Federal Government both recommends and participates in pest control, regulatory, research, and information programs involving pesticide chemicals, this Committee is being established to replace the former Federal Pest Control Review Board, the functions of which were limited primarily to Federal pest control programs.

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Approved:

STEWART L. UDALL,
Secretary of Interior.

JUNE 19, 1964.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

JUNE 16, 1964.

ROBERT S. McNAMARA,
Secretary of Defense.

JULY 27, 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

JULY 10, 1964.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 8, 1965.

HON. HERBERT C. BONNER,

Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MR. CHAIRMAN: We wish to thank you for your letter of May 6, 1965, giving us the opportunity to report on Senate bill 1623. The bill is entitled "To amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource."

The purpose of the bill is to increase the ceiling on appropriations to \$3.2 million in 1966 and to \$5 million in each of the 2 subsequent fiscal years to enable the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides to determine if they are harmful or hazardous to fish and wild-life resources.

This Department favors legislation that would provide new and more extensive research data in the relation of pesticides to fish and wildlife and increased information to this Department for use in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. The President's message on natural beauty recommended the removal of the ceiling on pesticide research in the Department of the Interior. Therefore, we recommend that S. 1623 be amended to eliminate the ceilings on funds and the fiscal limitations.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

June 22, 1965.

HON. HERBERT C. BONNER,

Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of May 6, 1965, for a report on S. 1623, a bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

The bill would increase the authorized annual appropriation for pesticide research by the Department of the Interior from \$2,565,000 to \$3.2 million for fiscal year 1966 and \$5 million annually for fiscal years 1967 and 1968.

This Department has no objection to the enactment of legislation for this purpose. However, we prefer the proposed legislation submitted to the Congress by the Department of the Interior (S. 1623, as introduced).

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,

Under Secretary.

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, D.C., June 21, 1965.

HON. HERBERT C. BONNER,

Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. BONNER: There is pending before your committee S. 1623, a bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource, which passed the Senate on April 29, 1965. Since this legislation greatly concerns this Department, we would like to comment on it.

S. 1623 amends the act of August 1, 1958, as amended (16 U.S.C. 742d-1). This act directs the Secretary of the Interior to undertake a comprehensive and continuing program of study and research on the effects of pesticides on our Nation's fish and wildlife. The purpose of this program is to find amounts, percentages, and formulations of pesticidal chemicals which can be used safely, and which will prevent losses to this valuable resource. An annual appropriation of \$280,000 was authorized to carry out this program. In 1959 this amount was increased to \$2,565,000. This is the present ceiling on pesticide research.

S. 1623 increases the ceiling on appropriations to \$3.2 million in fiscal year 1966 and to \$5 million in each of the 2 subsequent fiscal years. Although the program now is not limited in time, S. 1623 does not specifically authorize any appropriations to carry out the program after fiscal year 1968.

While we think that the increased ceiling provided in S. 1623 could be helpful in carrying out our pesticide research program, we think that the proposed bill recommended by the Department in its letter to the Speaker of the House of Representatives dated February 25, 1965, offers the best approach to this problem.

Our proposed bill was submitted to the Congress on the request of the President in his recent message on natural beauty. We therefore recommend the enactment of that bill in lieu of S. 1623. A copy of the bill is enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program. The Bureau also advises that the proposed legislation transmitted to the Congress by the Department of the Interior on February 25, 1965, relating to the removal of the ceiling on pesticide research is in accord with the program of the President.

Sincerely yours,

STANLEY A. CAIN,

Assistant Secretary of the Interior.

A BILL To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purposes of preventing losses to this resource

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read as follows:

"Sec. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

Mr. DINGELL. Our first witness this morning is Dr. Stanley Cain, Assistant Secretary for Fish and Wildlife and Parks. Dr. Cain is a fellow citizen of Michigan, so it is particularly a pleasure for me to welcome you before this committee. This is your first appearance before this committee. It is a privilege to have you here. As my colleagues on the committee may well know, Dr. Cain has a distinguished record as a conservationist in the State of Michigan. He was a full professor at the University of Michigan.

You have two distinguished gentlemen with you. Would you identify them for the record, please.

STATEMENT OF DR. STANLEY A. CAIN, ASSISTANT SECRETARY OF THE INTERIOR FOR FISH AND WILDLIFE; ACCOMPANIED BY LANSING A. PARKER, BUREAU OF SPORT FISHERIES AND WILDLIFE, AND DR. ROLAND SMITH, BUREAU OF COMMERCIAL FISHERIES

Dr. CAIN. Dr. Roland Smith is from the Bureau of Commercial Fisheries.

Mr. DINGELL. And you also have with you Mr. Lansing Parker who is Associate Director of Sport Fisheries and Wildlife.

Gentlemen, you are indeed welcome.

Dr. CAIN. Mr. Chairman, I would like to read this prepared statement.

I am pleased to have this opportunity to offer our views on H.R. 4157 and S. 1623 concerned with prevention or reduction of injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides, and on H.R. 4158 providing for greater consultation between Federal and State agencies before the beginning of any Federal program involving the use of chemicals designed for mass biological controls.

Mr. Lansing A. Parker, Bureau of Sport Fisheries and Wildlife, and Dr. Roland Smith, Bureau of Commercial Fisheries, accompany me to assist in answering your questions.

H.R. 4157 requires the Secretary of Agriculture to include certain information on the labels of each package of pesticides required to be labeled under the Federal Insecticides, Fungicide, and Rodenticide Act as a warning on the possible damage to fish and wildlife. The bill also requires the Secretary of the Interior to inform the Secretary of Agriculture on how pesticidal injury to fish and wildlife can be avoided or minimized.

These objectives are now completely met through administrative action based on an agreement between this Department, the Department of Health, Education, and Welfare, and the Department of Agriculture.

According to the provisions of this agreement, the Pesticides Review Staff in the Department of the Interior receives weekly list-

ings from the Department of Agriculture of all proposals affecting registration and reregistration of chemicals.

Within 7 days, our staff must either transmit the conclusions of our review to the Department of Agriculture, or must ask for additional data on questionable compounds.

More than 300 proposals are reviewed each week. We have been recommending changes in the wording of the proposed labels in about 200 cases per week. There has been no reluctance on the part of the Department of Agriculture to make these changes and we have had many consultations on the basis of our requests for alterations in wording of labels.

H.R. 4157 also authorizes the Secretary of the Interior to conduct programs of evaluating chemicals to determine their potential harm or hazards to the Nation's fish and wildlife resources and to distribute the results of these studies to interested persons and agencies.

We believe that these provisions are unnecessary. The Department now has ample statutory authority for carrying out these activities, and we are performing them within the limits of time and money.

H.R. 4157 increases presently authorized ceilings on appropriations for pesticide research from \$2,565,000 in fiscal year 1966 to \$3.2 million in fiscal year 1967 and to \$5 million in each year thereafter.

S. 1623, a Senate-passed bill which has been included in the subject matter of these hearings, would authorize ceilings on such appropriations of \$3.2 million in fiscal year 1966 and \$5 million each for fiscal years 1967 and 1968.

On February 25, 1965, our Department submitted a bill to remove the present ceiling entirely as recommended by the President in his natural beauty message to the Congress delivered on February 8, 1965. We sincerely believe that the breadth and urgency of the pesticide problem is such that a ceiling should not be imposed on the appropriations designed to assist in solving that problem. We strongly recommend that legislation in the form of our draft bill be enacted in lieu of the provision of H.R. 4157 or S. 1623.

The Fish and Wildlife Service has studied the effects of chemical pesticides, particularly DDT, on fish and wildlife for more than 20 years. After receiving specific authorization and appropriations, the Service has broadened its studies to cover other chemicals and other species of animals.

Interior is a user of pesticides in many of its programs, and is not opposed to their use, because we know the benefits that these chemicals can bring. At the same time, through our background of studies of immediately acute toxicities and through our field observations, we know that some pesticides pose serious hazards and must be used with extreme caution against proper targets.

Research to date has demonstrated some really disturbing facts about minute quantities of pesticide chemicals used in improper manner and reaching unexpected environments.

I would like to say that the following instances which are mentioned are given purely as examples collected from a considerable amount of information that the Service has.

DDT concentrations of one part per billion will kill blue crabs in coastal estuaries within 8 days. Commercially important brown and pink shrimp exposed to less than 0.5 parts per billion of another

chemical were paralyzed in 48 hours, and presumably would have died had they been in their natural environments.

Oysters exposed to DDT at 0.5 parts per million in small tanks removed over half of the pesticides from the water within 6 hours and concentrated it in their bodies. There is similar evidence that pesticide residues in the food of lake trout and several species of birds may concentrate in those animals over a period of time to the point where they definitely interfere with the natural reproduction of the species.

The Department of the Interior is deeply concerned about the ways in which pesticides turn up in unlikely places. We have found them in penguins and seals in Antarctica as well as in animals in the Far North, far removed from any local spray programs.

They are found in the wild game taken by sportsmen. Commercial fishermen have no control over the ways in which pesticides may reach and be stored in the flesh of their product. Although our past research has given us much information, we believe that much more should be obtained to prevent the decimation of fish and wildlife populations and the contamination of their environments.

For example, we hope to monitor the occurrence of pesticide residues in commercial fish and shellfish in their natural environments, in recreationally important fish species, and in wild birds and mammals. This will tell us what the pesticide levels may be in various parts of the country, and will provide background data to aid in the establishment of tolerance levels for pesticide residues for the protection of seafood producers and consumers.

Much of the Department of the Interior's pesticide research programs must be extended to studying the long-term effects on fish and wildlife populations. The long-term chronic effects of persistent hydrocarbon insecticides appear to be related to basic changes not only in animal reproduction rates but also to the ability of animals to adjust to strains and stresses under adverse conditions.

Residues accumulated in fish and wildlife as they consume other animals are greatly magnified to the point where acute poisoning and tissue damage ultimately result. We know almost nothing about the biological and toxicological significance of continued exposure to small quantities of these chemicals either in animals or in man.

Neither do we know what happens when these chemicals are mixed in small quantities over long periods of time. This is happening in many agricultural areas in the United States, and it is likely that one chemical can trigger an intensified reaction when it meets another chemical.

We like to believe that the Department of the Interior is on the right track in its current research on the ecological implications of pesticides to animals, particularly fish and game, and indirectly to man himself.

Interior serves as a national governmental conscience in the field of wildlife-pesticide relationships. For these reasons, we feel that the current ceilings are too low. We also repeat the suggestion that no ceiling be imposed, relying instead upon the annual review of congressional appropriations committees to evaluate our progress and our use of these very important funds for pesticide research.

In regard to H.R. 4158, a bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program using pesticides or other biological control chemicals, we recommend against the enactment of this legislation.

The impact of Federal pesticide programs is felt by many other interests in addition to fish and wildlife. These interests, such as man's welfare and the health of domestic animals, are the primary concern of other agencies. The bill would place responsibility for policing the activities of other agencies upon the Department of the Interior in conflict with other authorizations and responsibilities delegated by earlier laws.

Several administrative actions have been taken within the last 2 years following the report of the President's Science Advisory Committee on "Use of Pesticides" issued May 15, 1963.

The coordination of Federal pest control programs is accomplished through conscientious actions of the Federal Committee on Pest Control composed of representatives of the agencies having responsibilities in this field.

In addition, a specific agreement between the Secretaries of Agriculture, Interior, Defense, and Health, Education, and Welfare guarantees interdepartmental coordination of activities related to pesticides with special reference to registration of pesticides for specific uses. A copy of the agreement is attached to our Department's report on H.R. 4158.

Within the Department of the Interior, Secretary Udall has made clear his intention that no pesticide application made by any Interior bureau shall use certain highly persistent toxicants or shall be carried out without prior approval from the Federal Committee on Pest Control. We have carefully coordinated our programs of weed control, for example, with State wildlife agencies and with elements of other departments.

The need for better coordination of this kind clearly is not as acute as it was, and mechanisms exist for consulting and resolving any differences which may arise between agencies. Furthermore, the existing arrangements are kept current and flexible to adjust with newly arising programs and emerging needs. As pointed out in our report to your committee, we therefore recommend against the enactment of H.R. 4158.

Mr. Chairman, I would be pleased to attempt to answer any questions that you and the committee may have and I am sure that I may have to refer to my companions for certain technical details.

Mr. DINGELL. You have made a very fine statement. The Chair wishes to commend you and the Chair will be happy to recognize Mr. St. Onge for whatever questions he may have.

Mr. ST. ONGE. How much money was appropriated in fiscal 1965?

Dr. CAIN. \$2,565,000.

Mr. ST. ONGE. You don't feel that the ceilings imposed in 4157 would be adequate?

Dr. CAIN. The ceiling for 1966 would be 3.2 and for 1967 and 1968, it would be \$5 million. My feeling is that the rate at which we could increase our expenditures would not enable us to jump to some

fantastic level fast because we need competent personnel to carry out these difficult investigations, we need equipment, et cetera. But I do believe that we can grow efficiently to these proposed ceilings for 1966 and 1967.

Our position as a department, however, is that circumstances do alter and in this field, extremely rapidly. Everybody, as far as I know, is concerned with the pesticide problem and we would not like to be under ceiling restrictions when we feel there could be situations in which greater demands than the ceiling permit would be made and should be met.

Mr. ST. ONGE. Are there people working exclusively under this appropriation or are they shared with others?

Dr. CAIN. We have a considerable staff of our own who are devoted to pesticide research.

If I may further elaborate on this question, Mr. Chairman, take, for example, the suggestion here of what is, in effect, a surveillance of tremendous areas of the United States and a whole array of ecological situations and species to see where pesticides are today.

This could develop fairly rapidly into an extensive program and demand more money than these ceilings propose.

In a sense, one might say this is not research, but we can only do such operations on a research basis.

Mr. ST. ONGE. Are you seriously concerned about the implications of pesticides in fish and cattle and, further, on man?

Dr. CAIN. I am very much concerned and I feel that all of the informed people of our Service are likewise concerned about this. I might illustrate the point by data which we now have which suggests when a specific pesticide is used against a specific target for a certain purpose that sometimes a rather small percentage hits the target. We don't know and we would like to know where the rest of the chemical does go in the environment, what other organisms, not commercial or sports fish or game animals, are affected.

Furthermore, when an animal or plant is killed and there are persistent chemical residues, we don't know what happens to this dead matter and the chemical that it contains when it goes into the environment. These are complicated, but extremely important questions.

Mr. ST. ONGE. Thank you, Doctor. Those are all the questions, Mr. Chairman.

Mr. DINGELL. Mr. Pelly?

Mr. PELLY. Dr. Cain, in asking this committee to give you an open-end authorization, which I take it is the effect of this recommendation, you are really asking us to give up our jurisdiction over the Fish and Wildlife Service and turn it over to the Appropriations Committee.

Dr. CAIN. I believe that is correct.

Mr. PELLY. What if all of the committees gave up their jurisdictions? We would only have one committee, the Appropriations Committee. We could not conduct our Government that way, could we?

Dr. CAIN. Mr. Chairman, may I ask Mr. Lansing Parker to comment on this question?

Mr. PARKER. Mr. Pelly, I agree that the subjective committees are geared to look at the impact of any of the problems in the field of fish and wildlife. Although, as I recall, this is about the only piece of

legislation we have that has a dollar ceiling on it. As you appreciate, we must go to the Appropriations Committee every year and justify all of our programs if they are under a ceiling or if they do not have a ceiling.

Mr. PELLY. The purpose of the Committee on Appropriations is to weigh the needs and urgencies of programs, one against the other, to fairly adjudicate the amount of money to be allowed consistent with the Treasury and the amount of funds that the President recommends in his budget to various programs.

I think it would be too bad to give the jurisdiction of a conservation program to some of my good friends on the Appropriations Committee and bypass a man like the present occupant of the chair on this committee because I think his interest in conservation is recognized nationally, whereas, I don't know anybody on the Appropriations Committee who has the opportunity to make a study in this area with which we are concerned.

I might say, too, I think you are quite inconsistent as I have read the report on the Senate bill, S. 1623. That had limitations and you recommended it.

Dr. CAIN. Mr. Parker tells me we have not recommended that bill.

Mr. PELLY. I have before me the report of the committee on S. 1623 and the committee of the Senate and I was under the impression that Secretary Udall's report favored the enactment of, but I see now the bill referred to is S. 1251.

Mr. PARKER. That was before there were any ceiling figures put in there.

Dr. CAIN. We recommended the program without the ceilings but with the ceilings in, we do not recommend it.

Mr. PELLY. Then, I will remove any implication that there was an inconsistency on the part of the Department. Of course, we all here go by the theory that "consistency is the hobgoblin of small minds" anyway.

Dr. CAIN. I think if you looked hard enough, you would find some inconsistencies somewhere in our Department.

Mr. PELLY. Some of us on this committee have great concern about pesticides, led by my colleague, Mr. Dingell. We want to be helpful and attack this problem. I think there was a time when there was a little difficulty between the Department of Agriculture and the Department of Interior in working together on this problem. I am glad to read in your report that some of this difficulty seems to have disappeared.

Dr. CAIN. I think this is quite the case in the last several years.

Mr. PELLY. I think we can thank Mr. Dingell for that. That is one of the reasons why I was rather distressed to see that you wanted to bypass this committee and take up the matter of your funding of your program with the Committee on Appropriations.

Dr. CAIN. Mr. Pelly, I am far from being familiar with the details of how this question would operate that you raise; but if we were confronted with a ceiling that we found limiting to the work which we need to do, we would have to appear before you to get a new ceiling authorization. If it is open without ceiling—

Mr. PELLY. In other words, you would give this committee each year an opportunity to scrutinize the work that you do and certainly

I don't think you would ever have any trouble with us within the limitations set by the present budget in getting an authorization.

I think, maybe, we could be helpful to the program and certainly would not be of a mind to restrict you as far as funds go.

Dr. CAIN. If I may comment further on this point, Mr. Pelly, this is the third year in a row that we have been considering this kind of bill without getting it passed, and we might very well be confronted with a similar situation with respect to ceilings if we were operating under a ceiling. We could lose several valuable years of progress under a ceiling. We might not, and one would hope not, but it is possible.

Mr. PELLY. I recognize, of course, it is much simpler for any department to go to just the one committee and not have to justify its operations to two committees, but I think under our system that the two-committee system works fairly well and it can certainly enlist support of interested members of Congress on the one hand, through getting an authorization, which you would not get otherwise.

I will turn the time over to Mr. Dingell, who is the author of the bill.

Dr. CAIN. If I may, I might make one more remark in this connection; I am sure our Department would be pleased to report annually to this committee if we were operating without ceilings.

Mr. PELLY. I feel certain, as long as the present personnel of this committee is as it is, we would want you to keep us informed.

Dr. CAIN. Requiring an annual report, of course, could be written into the bill.

Mr. DINGELL. The Senate bill imposes some limitations on expenditures which are somewhat different from the legislation finally reported out of committee. Perhaps you would want to insert at this point in the record the statement of the differences.

(The information requested follows:)

CHANGES TO S. 1623 AS INTRODUCED IN THE SENATE, FURNISHED BY THE
INTERIOR DEPARTMENT

S. 1623 was introduced on March 25, 1965, by Senators Magnuson and Neuberger at the request of the Department of the Interior. The original bill was based on proposed legislation submitted to the Senate by the Department on February 25, 1965, which eliminates the ceiling on appropriations contained in the act of August 1, 1958, as amended.

S. 1623, as reported out of the Committee on Commerce of the Senate, was amended to increase the annual authorization for appropriations for pesticide research from \$2,565,000 to \$3.2 million for fiscal year 1966 and \$5 million annually for the next 2 fiscal years (1967 and 1968). No provision was made for funds after fiscal year 1968. This version of S. 1623 passed the Senate on April 29, 1965.

H.R. 4157 continues the ceiling limitation of \$2,565,000 through fiscal year 1966, then increases the authorized appropriation to \$3.2 million for fiscal year 1967 and to \$5 million for each fiscal year thereafter.

Mr. DINGELL. May I ask what is the amount that you good gentlemen in the Department of Interior could use in carrying forward the research on pesticides over the next 3 to 5 years? Could you give us an idea this morning?

Mr. PARKER. Do you want it for the record?

Mr. DINGELL. I would be happy to have you submit it for the record.

Mr. PARKER. The President's budget of 1965 had an amount of nearly \$3.5 million. The Appropriations Committee could not act on

it because of the current limitation of \$2,565,000. Our program will expand until we visualize a level somewhere above \$7 million.

Mr. DINGELL. About \$7 million?

Mr. PARKER. Yes, sir.

Mr. DINGELL. When do you expect to reach that figure?

Mr. PARKER. I think it is programed out about the third year.

Mr. DINGELL. So, roughly, your progression would be \$3.5 million, \$5 million, and then \$7 million.

Mr. PARKER. In S. 1623 there would be a question whether there would be any authorization after the 3 years.

Mr. DINGELL. I would like to take you to a different point. You presented to the committee in connection with your report on H.R. 4157 the agreement between the several departments. Doctor, you are rather new in your present position, so I don't want to press you unduly or unfairly, but in reading your statement, you have said that the Department of the Interior has been called upon to scrutinize something on the order of 300 proposals reviewed weekly and you have recommended a changed labeling in 200 cases each week. I know of nothing in existing law which would require the labeling to insure protection of fish and wildlife.

Mr. PARKER. There is nothing in the law, but on August 29, 1964, the regulations of the Federal Fungicide, Insecticide and Rodenticide Act were amended, defining the forms of beneficial life that should be considered in the registration procedure.

Mr. DINGELL. However, there is nothing in the agreements between the several departments that requires this labeling to be explicit as to the protection of fish and wildlife from undue hazard from usage of these pesticides; am I correct?

Mr. PARKER. In the agreement of April 1964, which established the three-way agreement for the review of registration of labels, this is provided.

Mr. DINGELL. What is the language, if you please?

Mr. PARKER. Each department undertakes to keep each of the other departments informed of the knowledge and research of other sources that may come into its possession.

In addition, the Department of Agriculture will undertake to furnish to the other two departments on a weekly basis a listing of all proposals affecting registration and reregistration and the Department of Health, Education, and Welfare undertakes to furnish to the other two departments on a weekly basis a listing of all proposals affecting tolerances.

Upon request, the Departments of Agriculture and Health, Education, and Welfare, respectively, will furnish to the other departments full information on any pending action on the legislation or setting tolerances. Then, it goes on to explain how these are to be reviewed by each department.

Mr. DINGELL. Very succinctly, what responsibility does that impose upon someone who is labeling a pesticide chemical with regard to fish and wildlife and the hazards from the use of that pesticide?

Mr. PARKER. Quite naturally, the departments that are responsible for registration have the final say. The experience has been, however, that all of the recommendations that we have made, either to the De-

partment of Agriculture, or Health Education, and Welfare, have been accepted.

Mr. DINGELL. What is the final form of the labeling with respect to the protection of fish and wildlife? Do you say don't use it at certain times? Does it mention the dosage to be used per acre or per square foot for the protection of fish and wildlife? What would be the concrete result of this in protecting fish and wildlife? How would it manifest itself on the label?

Mr. PARKER. It would depend on the chemical and how it is used. We have a specific set of caution statements. For example, with some of them where there is a danger to fish, we recommend a label that would say, "Do not use in or near water," or "Danger of contamination," when the chemical would effect a loss of fish.

Others relate primarily to application rates or methods of application, and so on. There are very specific statements that are written out and turned over to the Department of Agriculture, which, in turn, passes these on to the registrant.

Mr. DINGELL. Can you and do you require specific mention of fish and wildlife?

Mr. PARKER. Yes, we do.

Mr. DINGELL. Has the Department of Agriculture ever failed to accept your recommendation?

Mr. PARKER. Not to my knowledge, since this has been in operation.

Mr. DINGELL. Do you mean to say the Department of Agriculture has never failed to accept your recommendation?

Mr. PARKER. It is my understanding that they have never refused to go along with our position.

Mr. DINGELL. That is a great change in the position previously taken by the Department of Agriculture.

Mr. Reinecke?

Mr. REINECKE. No questions.

Mr. DINGELL. I am so flattened by your comments as to the change in the attitude of the Department of Agriculture I find myself hard put to ask any more questions.

Mr. EVERETTE. In regard to the \$2.56 million which has been authorized to be expended annually over the past years—has the Department of Interior been expending all of these funds for research purposes?

Mr. PARKER. Yes. In fact, the budget request of the President in fiscal 1965 contained an item of about \$3½ million.

Mr. EVERETT. But prior to 1965, your expenditures have been a maximum of \$2.56.

Mr. PARKER. That is right, we have reached the ceiling and that is as far as we can go.

Mr. EVERETT. In regard to these expenditures, has a considerable amount of this money been used for research on proposed chemicals to be placed on the market?

Mr. PARKER. A good share of the funds have been expended reviewing or testing the impact of chemicals on test animals, fish and wildlife.

Mr. EVERETT. Have you found that industry is still conducting research on chemicals proposed to be placed on the market as is expected of them?

Mr. PARKER. Yes. As a matter of fact, about 2 years ago at the request of the industry, we worked up a procedure for the testing of potential pesticides on certain classes of fishes, birds, and mammals. This is on a voluntary basis at the present time, but each of the industries which is interested has access to this testing procedure and many of them are employing commercial laboratories to do this testing early in the development of the chemical. I think many of the companies recognize the investment in attempting to learn early in the development of a chemical just what the effect would be on fish and wildlife so that by the time they come for registration, they are pretty well assured of what our reaction would be.

Mr. EVERETT. As you know the Department of Agriculture has entered into many Federal regulatory programs controlling pests. What percentage of pesticides used are in the Federal regulatory program?

Mr. PARKER. This would be a question which I think they would be better able to answer than I. It is my understanding, however, that all pesticides that are shipped interstate must be registered.

Mr. EVERETT. Is the main function of the Federal Committee on Pest Control to afford protection to the public from the Federal regulatory controls or other control programs?

Mr. PARKER. The Federal Committee on Pest Control is the replacement of the old Pest Control Review Board and its functions have been broadened to include the review of all the operational programs of all Federal agencies, the actual control programs.

It also reviews and coordinates all of the research activities of all Federal agencies, the review and coordination of all of the monitoring activities and the coordination of all public information. So, the Federal Committee is, in effect, a review mechanism of all aspects of the Federal Government's activities in the pesticide fields.

Mr. EVERETT. What protection is afforded the public from the use of pesticides in other than non-Federal regulatory programs?

Mr. PARKER. As far as the Federal Government is concerned, it would be limited to the registration of the pesticides. However, many States have similar organizations or State committees on pesticides. Some of these are established by law, some by Governor's proclamation, and some on a voluntary basis. There has been much more interest expressed on the part of the States.

I believe there must be over 30 States that have some sort of a local committee.

Mr. DINGELL. I have just one last question, Mr. Parker. The Chair would appreciate having you submit for the committee, and you gentlemen from the Department of Interior are included in this request, about 10 or 20 representative samplings of labelling which, in your opinion, have been acted upon by the machinery of the Federal Government to insure protection of fish and wildlife together with whatever brief statements you choose to make with regard to the impact of the labelling and perhaps whatever brief statement on negotiations you good gentlemen within the governmental departments have made to assure that these pesticides that are so labeled as would afford an adequate measure of protection for fish and wildlife resources.

Mr. PARKER. We would be very happy to do that.

(The material requested from the Departments of Agriculture and Interior has been received by the subcommittee and placed in the files for reference.)

(The following letter from Mr. Charles Callison, National Audubon Society, to Congressman Dingell, dated August 2, 1965, was drafted in response to the material supplied by the Departments of Agriculture and Interior as mentioned above:)

NATIONAL AUDUBON SOCIETY,
New York, N.Y., August 2, 1965.

HON. JOHN DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: The case histories of pesticide labels submitted by Interior and Agriculture reveal that we have made some progress in getting USDA to accept, and require, label warnings that are more specific with respect to wildlife hazards. However, they also reveal that both Interior and Agriculture witnesses at the June 22 hearing were either mistaken, or pulling the subcommittee's collective leg when they said they were working in complete harmony and that Agriculture has been agreeing to all the recommendations made by Interior. (See Lansing Parker's statement to this effect on p. 22 of the stenographic transcript of the hearings, and Dr. R. J. Anderson's similar statement on p. 38.)

Among the case histories submitted by Dr. Stanley A. Cain, Assistant Secretary of the Interior, with his communication of June 28, 1965, is one—the case of ortho dieldrin 1.5 emulsive XB, an application by the California Chemical Co.—in which Interior admits that Agriculture has balked on the fish and wildlife recommendations.

Dr. Cain submitted three other cases in which it was noted that "not sufficient time has elapsed for final action by U.S. Department of Agriculture."

It was not particularly enlightening or helpful to the subcommittee that USDA selected entirely different cases to send to the subcommittee as examples.

However, among the samples submitted by USDA, several show labels approved or registered by USDA with fish and wildlife warnings differing in important ways from the language recommended by Interior. Among these:

Worthmore 15 percent Dieldrin Emulsifiable: The words "by direct application or runoff" were omitted in the warning about contamination of water.

Clover Brand 1.6 lb. Methyl Parathion-1.6 lb. Endrin: Interior Department by Fred H. Dale recommended: "Highly toxic to fish and wildlife—do not contaminate lakes, ponds, streams, woodlands, or other noncrop areas." This was changed by USDA to: "Highly toxic to fish and wildlife. Do not contaminate any body of water nor apply to any area not specified on the label."

(The caution, "Do not apply to any area not specified on the label," appears on several of the new labels, and in most cases it is meaningless because the labels do not specify any areas whatever. The directions refer only to certain kinds of insects, among them armyworms, grasshoppers and others that can and do occur in woods and other noncrop areas.)

Statex Heptachlor 300 Emulsifiable Concentrate: The recommendation was the same as with Clover Brand, etc., above; again it was changed to the largely meaningless, "Do not * * * apply to any area not specified on the label."

The subcommittee was given the information (Statement of procedures and impact of the Department of the Interior's review of labels, submitted with Dr. Cain's letter of June 28) that 40,000 to 50,000 formulations have been registered by the Department of Agriculture. Present requirements call for reregistration of each label every 5 years, except that under an amendment of the Fungicide, Insecticide and Rodenticide Act enacted by Congress in 1964 (the same 1964 act that eliminated the procedure for "registration under protest"), all outstanding labels are supposed to be reviewed by October 1, 1965. This is mentioned by Dr. Anderson in his letter to you of June 29, 1965. There is an alarming suggestion in Dr. Anderson's letter, the suggestion that the October 1, 1965, deadline might be extended.

Congress should insist that all pesticide labels be reviewed as fast as administratively possible, in order to require realistic warning statements based upon the now known scientific facts about hazards to fish and wildlife. If this is not done, many dangerous formulations will continue to be sold on the market

throughout the Nation for 5 more years with little or no warnings to the users about the potential dangers to fish and wildlife resources.

It is a grave problem, and I still think passage of H.R. 4157 with its labeling requirements would be vastly helpful.

Sincerely yours,

CHARLES H. CALLISON,
Assistant to the President.

MR. DINGELL. I would like to have you tell me again where, in your agreement that we have been going over this morning, is there anything that affords your Department a say in labeling, with regard to the protection of fish and wildlife resources in the use of these pesticide chemicals.

MR. PARKER. Are you referring to the interdepartmental coordination relating to pesticides?

MR. DINGELL. That is right.

MR. PARKER. In the first page, it defines the responsibilities of the Department of the Interior relating to fish and wildlife. As I would view it, starting at the bottom of page 2, under 2(d), if the Department concludes that the proposal should be rejected in whole or in part this view shall be expressed in writing and supported by appropriate scientific evidence. Upon being notified, the Department responsible for final action will take the initiative to work out a basis of an agreement.

MR. DINGELL. Mr. Parker, you and I are good friends, but I want you to tell me how that authorizes your Department to require labeling to indicate protection of fish and wildlife and particular hazards to fish and wildlife in the use of this chemical.

MR. PARKER. Of course, the act, itself, actually requires the labeling, as you know. The agreement here, as I see it and as experience has demonstrated, is that the Department has had the opportunity to review, to comment, and to offer changes in labels and these have been accepted by the Department of Agriculture.

MR. DINGELL. Are there any further questions by members of the committee?

Gentlemen, thank you very much. It might be that there will be some questions later on. If you have the time, we would appreciate your staying around.

(The following letter was subsequently received for inclusion in the record:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 24, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: After the hearings the other day on H.R. 4157, it occurred to me that I had not developed sufficiently the areas of pesticide research that we feel there is an imperative need to pursue. There were some comments on the need for monitoring the occurrence of pesticides in fish and wildlife and their natural habitats. In my prepared testimony, I said:

"* * * we hope to monitor the occurrence of pesticide residues in commercial fish and shellfish in their natural environments, in recreationally important fish species, and in wild birds and mammals. This will tell us what the pesticide levels may be in various parts of the country, and will provide background data to aid in the establishment of tolerance levels for pesticide residues for the protection of seafood producers and consumers."

It is important that the full significance of these sentences is understood. Such a monitoring program is an elaborate and expensive matter, but it is indispensable to the safe use of pesticides.

Despite the impressive size of the pesticide industry and the considerable research efforts by industry and the Federal Government, there are large and critical areas of ignorance. For example, it is not enough to know the pesticide burden of species of economic and recreational interest only. We must know something about residues in the units of the food chain and in the natural environment of these species. The reason for this is that sublethal amounts presented to higher species over a long period of time, as is the case when environments are contaminated, can have chronic effects that result in physiological derangements of various kinds, including loss of reproductive capacity and defense against diseases or death by sudden release of the pesticide load in body fat during periods of stress.

This point is made dramatic by consideration of rare and endangered species. The use of pesticides that have been declared "safe" for general purposes may, for all that is known in the vast majority of cases, be working toward the extinction of such species as the bald eagle, the Everglades kite, the California condor, and a number of other species.

Agricultural pesticides, waterweed control chemicals, and those used in predator and rodent control—all applied according to the label—may be entering the ecological situation and through foods and water gradually accumulate to disastrous proportions. Thus, there is usually knowledge of the effect of a given pesticide on a target organism, but only a part, sometimes a small part, of a given chemical hits the target. What happens to the rest of it nobody knows. The Fish and Wildlife Service should have the capability to find out because of its general responsibilities, not just for commercial and sport fish and huntable game, but for all wildlife.

It was mentioned during the hearings that industry is doing considerable research. This research, however, is limited primarily to that necessary to get a compound registered. It is not now expected that industry will do more. If we accept that, then it is necessary that the Government find out what the side effects of pesticides may be. However, it should not be the Government's responsibility to prove a chemical unsafe; industry should be required to prove its use is safe. In either case, safe or dangerous, we have only the most sketchy outlines of the occurrence of pesticides in plants and animals low in food chains, and in soil, water, pond mud, and organic detritus.

Another matter that has not been investigated enough is the transport of pesticides. My testimony mentioned that pesticides have been found in both Arctic and Antarctic animals, tremendous distances from their areas of application for forestry, agricultural, and other uses, but I did not say how they got there because no one knows. Ocean currents, storms, air mass movements, wide-ranging swimming and flying animals, all need to be studied for the low density but potentially considerable transport of chemicals. Even small amounts are meaningful when, as is well known, some organisms can concentrate residues to a hundred or more times that in their environment or their immediate food. While not being killed themselves, such organisms may mean death to another species when eaten.

These are examples of the need for a massive research effort by the Fish and Wildlife Service. I cannot now estimate the number of field and laboratory scientists and technicians that would be needed to do an adequate job, but I am convinced that this kind of research should be supported by Congress and allowed to grow as rapidly as qualified persons can be trained and hired. It is for such reasons as these that the Department is recommending against establishment of ceilings on pesticide research. Once imposed, the lifting of a ceiling could be a slow process and nothing should be allowed to impede the search for knowledge in this area that is so important to fish and wildlife resources and ultimately to mankind.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary for Fish and Wildlife and Parks.

Mr. DINGELL. The next witness will be Dr. R. J. Anderson, Deputy Administrator, Agricultural Research Service, U.S. Department of Agriculture.

The committee is happy to welcome you here this morning for whatever statement you choose to represent. Would you identify the gentleman accompanying you?

**STATEMENT OF DR. R. J. ANDERSON, DEPUTY ADMINISTRATOR,
AGRICULTURAL RESEARCH SERVICE, U.S. DEPARTMENT OF AGRI-
CULTURE, ACCOMPANIED BY GEORGE ROBERTSON, OFFICE OF THE
GENERAL COUNSEL**

Dr. ANDERSON. I have with me Mr. George Robertson, from the Department's Office of General Counsel.

I appreciate the opportunity to appear before this committee to present the views of the Department of Agriculture with respect to three bills which you have under consideration.

First, I will discuss H.R. 4157, entitled "To Amend the Act of August 1, 1958, in Order To Prevent or Minimize Injury to Fish and Wildlife From the Use of Insecticides, Herbicides, Fungicides, and Pesticides." This bill would authorize the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides for the purpose of determining whether the chemicals are harmful or hazardous to fish and wildlife resources.

In addition, it provides that on the basis of these studies the Secretary would transmit the information to the Secretary of Agriculture who would require that such information or warning shall appear on the label of each package of such insecticide, herbicide, fungicide, or pesticide under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act. H.R. 4157 would authorize the appropriation of funds necessary to carry out its purpose.

We do not recommend the enactment of H.R. 4157. The provisions of the proposed amendment dealing with the labeling of insecticides, herbicides, fungicides, and pesticides are being carried out administratively through an interdepartmental agreement among the Departments of Health, Education, and Welfare; the Interior; and Agriculture, developed as a result of the President's Science Advisory Committee report on the "Use of Pesticides."

We have no objection to the extent that it would provide new and more extensive research data on the relation of pesticides on fish and wildlife and increased information to this Department for use in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. However, we defer to the Department of the Interior as to the need for this provision.

H.R. 4158, the second bill before this committee for consideration is entitled "To Provide for Advance Consultation With the Fish and Wildlife Service and With State Wildlife Agencies Before the Beginning of Any Federal Program Involving the Use of Pesticides or Other Chemicals Designed for Mass Biological Controls."

This bill would provide that no officer or agency of the Federal Government shall initiate or provide any financial or other assistance for any programs involving the use of any chemical for the eradication or control of animal or plant pests without prior consultation with the U.S. Fish and Wildlife Service and, through such Service, with wildlife agencies in the States involved.

The U.S. Fish and Wildlife Service would then cooperate with the officer or agency in the development of the proposed program to achieve the desired results without undesirable effects on wildlife. If the recommendations of the U.S. Fish and Wildlife Service were not followed, that Service would so report to the Congress.

Limited programs or those involving harmless chemicals, may be exempted by the Secretary of the Interior. Any Federal department or agency requesting appropriations from Congress for programs involving the use of an insecticide, herbicide, fungicide, rodenticide, or other chemical for eradication or control purposes would have to accompany such requests with a full description of the proposed program, together with comments and recommendations of the Fish and Wildlife Service.

Chemicals essential to the health and comfort of people, the maintenance of a safe and adequate food supply, and the preservation of our natural resources, must be used intelligently and with full consideration of any possible adverse effect. This involves not only a consideration of fish and wildlife values, but also a most careful evaluation of the effects upon domestic animals, our daily food supply, and upon man himself.

Advancements in technology and the rapid expansion in the use of chemicals in all aspects of present-day living demand the closest cooperation and understanding between departments and agencies of Government.

The Department of Agriculture is interested in this problem from two standpoints. First, we are concerned about any adverse effects that agricultural programs could have on human health, or on fish and wildlife. Second, we are concerned about any adverse effects on agriculture of programs carried out for other purposes, such as control of mosquitoes, predator, aquatic plants, and undesirable fish.

Accordingly, we have representation on the Federal Committee on Pest Control, established on July 27, 1964, which replaced the Federal Pest Control Review Board which has been established in 1961 at the initiation of this Department.

Members on the Committee include Secretaries' representatives from the Departments of Agriculture; Defense; Interior; and Health, Education, and Welfare.

In establishing the Committee, it was recognized that a proper usage of pesticide chemicals to destroy unwanted pest and disease organisms as they affect man, animals, plants, and fish and wildlife has an enormous potential for the public good.

However, it was felt, that at the same time, there must be a recognition that chemicals which will kill or control pests are in many cases, capable of causing harm. Therefore, it was considered essential that any contemplated use of a pesticide chemical be first evaluated as to the good that its use is expected to achieve, the harm which may result, the precautions which should be taken to minimize harmful effects, and a decision made as to whether any risk that may be involved is warranted in the light of the benefits contemplated.

The purpose of the Committee is—

1. To review plans for and maintain review of pest control programs in which there is active participation on the part of the Federal Government in planning and developing procedures and some degree of responsibility for supervision or funding.
2. To advise the appropriate Department of its evaluation in each instance so that suitable action may be taken.
3. To identify potential problems in order that such problems may be avoided or minimized. In particular, to consider prob-

lems and public views arising from pesticide uses that involve hazards to human health, to livestock, and crops, to fish and wildlife, or to the economic well-being of business, industry, or agriculture.

4. To advise the various departments and agencies of Government concerning problems in the use of pesticides and other chemicals, especially in cases involving interdepartmental interests and responsibilities to insure that effective, economical and safe procedures are followed.

Steps taken by the four Secretaries to broaden and strengthen the responsibility and function of the Committee are not only in keeping with recommendations of the President's Science Advisory Committee 1963 Report, "Use of Pesticides," but have proved to be strong procedural changes that permit, and obligate, the Federal Government to meet and to carry out its many obligations and authorities in this field in a more comprehensive manner.

The Committee, in its review and approval—or disapproval or suggested modification—of proposed programs, brings to bear the full weight and expertise of all Departments and interested agencies in its considerations. It is a mechanism that effectively addresses the full scope of Government responsibilities to the protection of human life, agriculture, and wildlife from the possible adverse effects of the application of pesticides.

The Federal Committee on Pest Control and the interdepartmental agreement—between the Departments of Agriculture, Interior, and Health, Education, and Welfare—provide efficient and effective mechanisms both to review all proposed Federal programs and to coordinate, on a daily basis, the considered judgments of each Department's scientists on all registrations that are of concern to the particular Department.

We, therefore, believe that the Department of Interior by its membership on the Federal Committee on Pest Control is provided with the mechanism for consultation and decision on pest control programs. The kind of procedures that are embodied in the Federal Committee on Pest Control are broader in scope than those set forth in H.R. 4158. This Department believes that H.R. 4158 is unnecessary and, therefore, does not recommend enactment.

The purpose of the third bill, S. 1623, is to increase the authorized annual appropriation for pesticides research by the Department of Interior. Again, we favor this bill to the extent that it would provide new and more extensive research data in the relation of pesticides to fish and wildlife and increased information to us for use in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act.

However, the President's message on natural beauty of February 8, 1965, recommended the removal of the ceiling on pesticide research for the Department of the Interior. Therefore, we recommend that S. 1623 be amended to eliminate the ceilings on funds and the fiscal limitations.

Mr. Chairman, I will be happy to answer any questions you or the members of the subcommittee may have.

Mr. DINGELL. The Chair is happy to recognize my good friend and distinguished colleague from Washington, Mr. Pelly.

Mr. PELLY. I do not have any questions. Dr. Anderson has made a very fine statement and I will defer to any other members of the committee.

Mr. REINECKE. No questions.

Mr. DINGELL. You appear on behalf of the Department of Agriculture and have full power to speak for the Department of Agriculture?

Dr. ANDERSON. Yes, sir.

Mr. DINGELL. Your Department recommends against enactment of H.R. 4157 and 4158.

Dr. ANDERSON. Yes, sir.

Mr. DINGELL. Where is there any language which would preclude the Department of Agriculture from conducting necessary spraying programs, pesticide chemicals for any of the known or unknown plant or animal tests?

Dr. ANDERSON. We are in complete accord with the objectives of both bills, but we believe that the objectives are being adequately provided for through administrative coordination mechanism that has been referred to here as the Federal Committee on Pest Control as well as the interdepartmental three-way agreement.

Mr. DINGELL. That is a very good answer except that it does not go to the point of the question. My question is very simply this: Where, in either one of those two bills, is there any language which would preclude your agency or any other agency of the Federal Government from conducting necessary spraying programs to combat any plant or animal pests?

Dr. ANDERSON. We are not aware of any language in either one of these bills which would prevent this. I would say that the present mechanism goes further than the bill in providing for the adequate control, or supervision, of these control programs by HEW, the Department of Agriculture and the Department of Interior.

In the case of the Department of Agriculture programs, they kind of work in reverse of what is provided for in this bill. Presently before the Department will consider a cooperative program, it must be first cleared with the coordinating mechanism in the State requesting the program. All of our programs are cooperative in nature, operated under State laws, but once they have been cleared by the State coordinating agency, then the Department considers these requests and they are put through the Department's strict coordinating and review mechanism.

If they are found to be safe and adequate there, then we take them to the Federal Committee on Post Control which provides a review of these programs in real depth by administrative procedures.

Mr. DINGELL. Succinctly then, there is no language which would inhibit the conduct of any of the present programs by your Department or any other Department.

Dr. ANDERSON. No, sir.

Mr. DINGELL. Is there any language in either one of these two bills which would upset the present internal structure of the departments with regard to the conduct or with regard to the coordination which exists between the several departments, concerning the use of pesticide chemicals for fish and wildlife resources?

Dr. ANDERSON. No, I am sure the chairman is fully aware of the Department's responsibility under its present Insecticide, Fungicide,

Rodenticide Act to insure that all man's values are properly protected in the registration process and also in the conduct of the co-operative programs.

Our law specifically states that an economic poison would be misbranded if the labeling accompanying it does not contain directions for use which are necessary and which, if complied with, are adequate for the protection of the public. That is, it would be considered misbranded if the label does not contain a warning or caution statement which may be necessary and which, if complied with, would prevent injury to vertebrate and invertebrate animals.

To clarify that more fully, the Department issued an amendment to the regulation in 1963 which would clarify the language and gives the definition of what we call the vertebrate animals which means all species of the subphylum vertebratae including domestic vertebrates and vertebrates of species of wildlife.

In our Department we do have this responsibility and we look to a means of augmenting our own expertise in this field. We have animal biologists on our registration staff, in fact, one who has spent 30 years with the Department of the Interior before coming to us. We also look to the Department of the Interior for advice and counsel on this very important matter.

Mr. DINGELL. I wish to refer specifically to H.R. 4157. That bill requires that labeling on pesticide chemicals as insecticides, herbicides, fungicides, or other chemicals, indicate injury to fish and wildlife and how that injury can be prevented in consultation with the Department of Interior. I understand this is being done at this time.

Dr. ANDERSON. That is correct.

Mr. DINGELL. I understand that your agency, in consultation with the Department of the Interior, has required labels on pesticide chemicals to indicate fully and fairly the protection of fish and wildlife.

Dr. ANDERSON. That is correct.

Mr. DINGELL. Has your agency ever rejected any requirement of the Fish and Wildlife Service?

Dr. ANDERSON. To my knowledge, we have not.

Mr. DINGELL. Would you tell this committee briefly where the authority is in the agreements which exist between your Department to require such labeling or where such labeling requirement appears in the Federal statutes or Federal regulations?

Dr. ANDERSON. With your permission, for the location of the regulation, I will ask Department Counsel, Mr. Robertson, to respond to that question.

Mr. ROBERTSON. Section 2Z(2) (d) provides that an economic poison is misbranded if the label does not bear the warning or caution statement Dr. Anderson just read. This provision is adequate to prevent injury to living man, vertebrate animals, vegetation, and invertebrate animals. There is also Section 2Z(2) (c) which calls for adequate directions for use to protect the public, the public being a broad, general term at that point.

In connection with the registration or reregistration of any economic poison, the label has to be in compliance with the preceding sections of the statute, the one dealing with warning or caution statements being one of those.

Our feeling has always been that the terms "vertebrate animals" and "useful invertebrate animals" necessarily include not only the domestic species but also the wild species. In order to eliminate any misconception that anyone may have regarding these two terms, pursuant to the authority to issue regulations under section 6 of the act we defined "vertebrate animals" and "invertebrate animals" in the regulations in 1963. In our amended regulations of 1964, we also have specific reference in section 362.9 to the warning or caution statements, and it is virtually a repetition of the statutory language.

Again, referring to vertebrate animals, useful vegetation, and useful invertebrate animals, the statute charges the Department of Agriculture, the Secretary of Agriculture specifically, in connection with registration and acceptance of a label for an economic poison, to determine that the warning or caution statement is adequate to protect man and all of his values.

Mr. DINGELL. Would either of you two gentlemen tell this committee where in H.R. 4157, with regard to labeling, there would be an upset of any administrative procedures or practices within your Department or within the several departments of the coordinating setup among these several departments, with regard to labeling of insecticides, fungicides, and rodenticides.

Dr. ANDERSON. The Department takes the position there is no question about its having the responsibility for seeing that these values are adequately protected, but it does believe that by the authority contained in this bill it would fragmentize the responsibility to some extent. The purpose that was intended by the proposed legislation is being adequately provided for.

Mr. DINGELL. In perfect fairness, I asked you where this would upset any of the existing practices between the departments.

Dr. ANDERSON. It would not upset any existing practices. I would say that this is only part, not a small part, but one part of the total field of registration which considers many other values besides fish and wildlife. So, if it is being provided for by other means, it seems we should not legislate in one particular field and leave the others go. We believe it is being adequately provided for.

Mr. DINGELL. The simple answer, then, is it would not upset any of the present practices.

Dr. ANDERSON. No, sir.

Thank you very much.

Mr. DINGELL. The Chair notes that Dr. Crabill, Dr. Hansen, and Dr. Upholt of HEW are here. The Department of Health, Education, and Welfare indicates that it would choose to stand on its report. Is that correct?

Dr. HANSEN. That is correct.

Mr. DINGELL. Would you gentlemen care to present any testimony this morning or do you choose to stand on the report?

Dr. HANSEN. I believe we choose to stand on the report, Mr. Chairman.

Mr. DINGELL. Unless any members of the committee choose to ask any of these gentlemen questions, we can pass on to the next witness.

The Chair is happy to welcome to the committee an old friend, Mr. Charles H. Callison. The Chair is indeed happy to recognize you, Mr. Callison, and you are indeed welcome to this committee.

**STATEMENT OF CHARLES H. CALLISON, ASSISTANT TO THE
PRESIDENT, NATIONAL AUDUBON SOCIETY**

Mr. CALLISON. Thank you very much, Mr. Chairman. It is a pleasure to be here to testify before this distinguished committee.

My name is Charles H. Callison. I am assistant to the president of the National Audubon Society which is headquartered in New York City but has affiliated organizations in the various States.

I am pleased to have this opportunity on behalf of the society to testify on the bills pertaining to pesticides research and coordination in pesticides activities within the Federal Government.

Some progress has been made in recent years in alerting the public to the environmental hazards involved in the overuse, the indiscriminate use and the unnecessary use of the dangerous and persistent chemical pesticides.

Some progress has been made in tightening Government controls over the registration and distribution of the economic poisons. At least some measure of caution has been instilled in the U.S. Department of Agriculture agencies that formerly advocated and promoted the widespread use of the powerful synthetic organic pesticides with careless abandon and unbridled enthusiasm. And thanks to the modest research authorization cleared by this committee and passed by Congress in 1958, we now have a great deal of solid and indisputable knowledge about the damages that have been, and can be, inflicted upon fish and wildlife resources through the use of these chemicals.

However, there is real reason to doubt that we are keeping abreast of this problem, much less gaining on it. The manufacture and the distribution of chemicals that are known to be fish and wildlife killers continue to flourish. The chlorinated hydrocarbons—DDT and its more deadly relatives—that persist in nature, causing soil and water pollution and poisoning food chains, are still heavily in use by both public pest-control agencies and private persons, despite the strong recommendation of the President's Science Advisory Committee in May of 1963 that "elimination of the use of persistent toxic pesticides should be the goal" of Federal policy.

The report of the Department of the Interior on H.R. 4157—letter to Mr. Bonner of April 19, 1965, signed by John A. Carver, Jr., Under Secretary, stated that the labeling objectives of this bill—

are now being carried out administratively under an agreement between this Department and the Departments of Agriculture and Health, Education, and Welfare.

Despite this bland assurance, Mr. Chairman, the results are not showing up on the labels after 3 years of operations by the Federal Committee on Pest Control and its predecessor, interdepartmental body.

It was established by scientific research 15 years ago that applications of DDT at rates in excess of 1 pound per acre was immediately destructive of birds and other wildlife inhabiting the treated area. It is now known that even smaller dosages of DDT per acre can be damaging, and may even threaten the survival of some species, because this chemical persists for years and is concentrated in the food chains of nature.

Yet there are packaged formulations of DDT on the market and in interstate commerce that do not carry a word of warning about the potential dangers to wildlife resources. The directions on some of those packages call for extremely heavy dosages per acre.

Just to check on the situation at the market level, yesterday I went to a retail store in Hastings-on-Hudson, N.Y. which sells farm and garden chemicals—pesticides. I picked up there a package of 50 percent DDT wettable power that is packaged and sold by the California Chemical Co. It is in interstate commerce. This package carries directions calling for applications of 2 pounds of the formulation per 800 square feet. It takes a little arithmetic to know how much you are putting on but if you figure it out, that is at a rate in excess of 50 pounds per acre and the directions further suggest you might do this two or three times a year.

Careful scrutiny of that package, all four sides, top and bottom, fail to show a single word of caution referring to fish and wildlife, wild birds or beneficial vertebrate animals.

Somehow the very good work that we hear is being carried out by the Federal Committee on Pest Control is not getting down to the market level. It is not getting to the consumer who we believe would appreciate knowing the facts about these chemicals. The facts are not getting on the labels.

There was something said this morning that perhaps throws a little light on this situation. The reference was made to the registration and reregistration of chemicals. Now it may be that the Department of Agriculture, having registered DDT for many, many years, sees no reason for reregistration and therefore the manufacturers and packagers and sellers of DDT are never confronted with any request that they have new labels. I think this would be very much worth looking into. It may be that the Department of the Interior in their very good work never has an opportunity to say we ought to say on a DDT package that this stuff is dangerous and it can be a killer to fish and wildlife. They have mountains of research to prove this is so, everything from the New York State studies which led to a new policy in the State of New York on the use of DDT in the lake trout watersheds, to the information that they are finding that points to the very strong probability that DDT is the reason why the bald eagle, our national emblem, is failing to reproduce.

Mr. Chairman, the 1946 edition of the Department of Agriculture's own hand book on "Insecticide Recommendations"—this big book here—is supplied to all county agricultural agents in the United States and any one else who wants a copy. I think this is the latest edition, 1964. If there has been a 1965 version put out, I have not seen it but I would warrant there is no difference in the language of it. This book is filled with instructions calling for heavy application of the chlorinated hydrocarbons for a variety of purposes, and the only warning about the dangers to wildlife that appears anywhere in the book is this totally inadequate and misleading statement:

To protect fish and wildlife, be careful not to contaminate streams, lakes or ponds with insecticides. Do not clean spray equipment or dump excess spray material near such water.

Mr. Chairman, that is the usual language that passes for adequate warning. That language is totally misleading because it clearly gives

the impression that if you don't spray it on or over water, or clean your equipment or dump your material in water, then there is no danger to wildlife. It completely overlooks the fact that vast damage can be done and has been done by the use of this material in upland spraying in fields, forests, meadows, farmlands, orchards, gardens, lawns, and suburban areas.

This misses the point completely. It may be that none of the materials in here have been subject to reregistration and therefore have not been reviewed, but within this book are instructions for using heptachlor, dieldrin, aldrin, DDT—and I find some places where as much as 10 pounds of DDT are recommended in this book.

Somehow the Department of Agriculture in its practices is far, far behind what its representatives say they are doing at the level of this interdepartmental agency.

Mr. Chairman, we have no doubt of the good intentions of the Department of the Interior and its representative on the Federal Pest Control Review Board, but it is as plain as day that it is going to take a law to get the Department of Agriculture to pay attention to wildlife hazards when it prescribes the labels which must be used as a condition of Federal registration of a pesticide chemical.

We think the labeling provisions of H.R. 4157 are necessary, and we respectfully urge this committee to report this measure favorably. If S. 1623 is reported, we recommend that it be amended to include the labeling provisions of H.R. 4157.

We support the increased authorization for research as contained in both S. 1623 and H.R. 4157.

Mr. Chairman, the National Audubon Society also believes H.R. 4158 proposes a reasonable method of minimizing, if not preventing, fish and wildlife damages in Government spraying programs. We recommend a favorable report also on H.R. 4158.

We would favor taking the ceiling off entirely, although we recognize that sometimes with no ceiling it is harder to get a level of appropriation than if there is a ceiling listed in the bill, provided the ceiling is adequate. With due respect to Mr. Pelly's comment that to remove the ceiling would remove the jurisdiction of this committee, I think this committee could at any time investigate the results and the procedures under the pesticide research authorization to the Fish and Wildlife Service and its two bureaus, and could at any time report legislation to reinstate ceilings or to put specific directions into the law as to the conduct of the research.

So I believe it is entirely unlikely, Mr. Chairman, that this committee would in any event lose interest or surrender its jurisdiction over this program even if the ceilings were removed. The problem is, can we get the appropriations that are necessary with no ceilings? Our organization certainly will be in there pitching for them.

The language in H.R. 4158 provides if the spraying programs are of a minor nature and no damage is likely to result they could be exempted by administrative actions from the provisions of H.R. 4158. So we recommend a favorable report also on H.R. 4158.

I thank you very much for the privilege and opportunity of appearing to present our views.

Mr. DINGELL. The Chair wishes to commend you for a very fine statement.

Mr. REINECKE. Do you feel there is anything that can be done about the present inadequacy of the label provisions that are in existence now?

Mr. CALLISON. I think the enactment of H.R. 4157 as introduced by Mr. Dingell would go a long way toward doing this because this would be, for the first time, something specific about fish and wildlife resources in legislation. It would give the Department of the Interior much stronger ground on which to stand up and say to the Department of Agriculture that "You ought to say 'fish and wildlife,'" or "You ought to say 'wild birds and mammals.' You ought to be more specific."

My guess is that if no recommendations of the Department of the Interior have ever been rejected by the Department of Agriculture with respect to labeling, the reason is that before those recommendations are ever made officially they are agreed upon unofficially, and they are so watered down that USDA will accept them.

Mr. REINECKE. Has your organization contacted the manufacturers of chemicals and have you determined any sort of attitude on their part toward this bill?

Mr. CALLISON. We have been in touch with representatives of a number of major chemical companies, but I haven't asked them or determined what their attitude is about this bill. That question has not been raised and it has not come up specifically. I had lunch only last week with representatives of one of the major chemical companies, the Velsicol Corp.

Mr. REINECKE. I have no further questions.

Mr. DINGELL. Mr. Dow?

Mr. Dow. I have just one or two questions.

I notice, Mr. Callison, you used the word "ceilings." Is that correct?

Mr. CALLISON. Ceiling or limitation.

Mr. Dow. I am sure you used it correctly. I must say I don't understand what the word means in this context. Would you be kind enough to tell me that?

Mr. CALLISON. Sir, the existing law which authorizes appropriations to the Fish and Wildlife Service for research into the effects of the chemical pesticides on fish and wildlife resources was passed in 1958. It said that authorizations—I don't have the language of it before me—but it said in effect that appropriations up to \$2,565,000 per year can be made for this kind of research. We refer to that as a ceiling or you can call it a limitation.

The bill passed by the Senate recently, S. 1623, and H.R. 4157 both would raise that limitation to, I think, \$3.5 million the first year, \$5 million the second year, \$5 million the third year. In other words, this would place a ceiling by a congressional direction upon the amount of money that can be appropriated for this research.

When we say we would like to see the ceiling removed it is because we think it is quite likely that it will take more money than these proposed revised ceilings to do the necessary research in this rapidly expanding technology of chemical control of unwanted plants and animals.

Mr. Dow. I see what you mean by the word "ceiling." You recommend a figure higher than is provided?

Mr. CALLISON. If a ceiling is put in, I would recommend that it be higher.

Mr. Dow. How much higher?

Mr. CALLISON. The chairman asked the Department of the Interior representatives to tell the committee, Mr. Dow, what they would anticipate needing in the next few years and I think one of their answers was that within 3 or 4 years they expect this program to be up to seven and seven and a half million dollars; so if a ceiling is put in I think it should be at least that high and it should be extended for longer than 3 years so that at the end of 3 years we would not come up with apparently no authorization for this kind of study.

Mr. Dow. I have one other question, Mr. Callison: Is there any automatic device such that manufacturers of these insecticides and pesticides and so on have to submit their product or their labeling for inspection either by the FDA or the Secretary of the Interior for approval or are they simply left to comply with the broad requirement that they should merely indicate danger in those cases where it obtains?

Mr. CALLISON. Mr. Dow, the Federal law that provides for Federal registration and the administrative procedures under that law require the manufacturers of these chemical to submit evidence of a long and difficult procedure of testing of these chemicals to prove their effectiveness and also their toxicity on various test organisms.

It is a rather elaborate procedure. The weakness of it in the past from the standpoint of fish and wildlife values is that those procedures in the past, and those procedures now, do not look properly into the side effects on fish and wildlife resources. We got into this pesticide technology rather rapidly and all of a sudden we found out we were having great losses of some kinds of fish and wildlife resources. They were proving by their procedures that they would kill certain insects but they were not adequately checking into what else they would kill.

Apparently no one realized that these chemicals would get into the stream courses and that they would find their way into the bodies of the smaller animals that are eaten by larger animals, and thus were concentrated in the food chain so that the animal at the end of the food chain, whether it be a duck or a fish-eating bird like the bald eagle, or some other animal that is valuable as a wildlife resource, got a concentrated dose of it. But this is what happened.

Mr. Dow. The procedure I know for medicinal drugs is for submittal to the FDA. Are these chemicals submitted to the FDA or the Department of the Interior?

Mr. CALLISON. As I understand it, they have to meet certain residue tolerance levels and this is under provisions of an act of Congress administered by the Food and Drug Administration, so there are two kinds of regulations. One kind is directed mainly at aiding the industry of agriculture, the producing of crops and other things that farmers do; the other kind of regulation is aimed at protecting people. The effects on fish and wildlife resources and on the general ecology were overlooked and we are now trying to bring that phase of it up to date and get it corrected. It has been quite a struggle.

Mr. Dow. I guess what I am wondering is whether this responsibility to see that these chemicals are labeled as provided in page 2 of this bill H.R. 4157, whether that responsibility should lodge with the Secretary of the Interior or with the FDA which is the one that actually studies the chemical, that is a question in my mind.

Mr. CALLISON. The Department of the Interior has the competence in the area of fish and wildlife resources. They not only have the competence but they have the legal responsibility for these resources and they have the interest. It could well be that the Department of Agriculture has a very fine biologist and its staff, but by and large the Department of Agriculture is not conscious or aware of the values of fish and wildlife resources. This has not been their job since the beginning, particularly the Agricultural Research Service and its branch that has to do with trying to control insects or unwanted plants. They are all good people. They have a great reluctance, however, to admit that they may have made mistakes in the past; this is human nature. It has been very hard for them ever to admit, many of them, that the research findings of fish and wildlife biologists that show damages were valid.

They have questioned such findings and they have said, "This is an isolated incident, it is purely a local occurrence, it is unusual, it is not typical; our procedures and our regulations are adequate. Of course we are looking after fish and wildlife." But they are not, any more than the Department of the Interior could be expected to look out for the marketing and production of milk.

Mr. Dow. It seemed to me there was an uncertainty about the responsibility as between the FDA and the Department of the Interior.

Mr. CALLISON. We do have a problem. The application of these very powerful chemicals which have broad effects on nature and natural ecology cut across the jurisdiction of many agencies of Government. This is one of our problems, how to get it coordinated.

Mr. Dow. I can see it is a problem.

Thank you, Mr. Callison.

Mr. DINGELL. Mr. Callison, you indicated in your comments at page 2 that the directions on some of these packages call for extremely heavy doses per acre. Would you care to submit to the committee at your convenience some examples of pesticides which call for heavy doses per acre of these pesticides. Below that you also indicated that the 1964 edition of the Department of Agriculture's own handbook is filled with instructions calling for heavy applications of hydrocarbons in heavy doses.

Would you care to submit to the committee comments where you feel those dosages in the handbook are heavy? I think this would be helpful to the committee.

Mr. CALLISON. I intended to leave this edition for the committee but, if I understand your request, I will go through and mark some of these examples.

Mr. DINGELL. You can submit that to the committee at the appropriate time.

Mr. CALLISON. I will be happy to do that, and also some additional examples of chlorinated hydrocarbons which call for heavy doses and which have little or no word of warning about potential damage to fish and wildlife.

Somehow or other we have to break through to the market level, and it should not take years to get this done.

Mr. DINGELL. What you are saying is that we have good theory and poor practice?

Mr. CALLISON. Yes, that is right.

Mr. DINGELL. Counsel and the Chair again wish to thank you for your presence here this morning. Thank you very much.

(The following letter was received in response to the above request:)

JUNE 28, 1965.

HON. JOHN D. DINGELL,
Subcommittee on Fisheries and Wildlife Conservation,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: During the course of the hearings June 22 on H.R. 4157, H.R. 4158, and S. 1623, bills relating to pesticide research and regulation, you asked me to furnish for the record additional examples of synthetic organic insecticides now on the market with insufficient or misleading information printed on the labels with respect to the potential hazards to wildlife. Innumerable examples could be cited. The following I have copied from the labels of packaged insecticides currently offered for sale in farm and garden supply stores in Westchester County, N.Y.

(1) A 2-percent granular Dieldren packaged by Seacoast Laboratories, Inc., 156 Perry Street, New York City, for use on lawns, turf, golf courses, etc., has directions on the label calling for the application of 150 pounds of the formulation per acre. This would be at the rate of 3 pounds of technical Dieldren per acre. Dieldren, you will recall, is the insecticide which, applied at the rate of 2 pounds per acre in the fire ant "eradication" program in the Southern States, caused severe losses of birds and other wildlife on the treated areas. The same damages could be expected to migratory and resident birds using the treated "turf" in New York or elsewhere. The only reference to wildlife hazards to be found on the label or elsewhere on the package is contained in these words: "To protect fish and wildlife, do not contaminate streams, lakes, or ponds with spray or washing from spray tanks."

This "warning" completely overlooks the hazard to birds and other terrestrial animals using the treated area.

(2) A 72-percent chlordane solution has directions calling for the application of 1½ pints in 3 gallons of water per 1,000 square feet for crabgrass control. This would lay down a potent mixture of chlorinated hydrocarbons at the rate of 43 pounds or more per acre. Yet there was not a word on the label about any potential danger to songbirds, rabbits, squirrels, or other wild animals that might feed upon the treated area.

(3) Scott's Cope, an insecticide mixture packaged by O. M. Scott & Sons of Marysville, Ohio, contains 6.95 percent carbamate and 6.95 percent chlordane. The directions call for the application of 7 pounds of Scott's Cope per 5,000 square feet for control of a variety of lawn insects, or double that rate for chinch bugs. There was no word of caution on the bag about the potential hazard to wild birds and other wildlife. Use as directed would put down 4.2 pounds (or if doubled 8.4 pounds) per acre of carbamate, and an equal amount of chlordane.

You also asked me to cite specific examples of excessively heavy application rates contained in the 1964 edition of the Department of Agriculture's handbook, "Insecticide Recommendations," which I referred to in my testimony. You will recall that Mr. Robert Anderson, who was representing the Department of Agriculture at the hearing, said the handbook to which I referred has been superseded by a new edition entitled, "Suggested Guide for the Use of Insecticides To Control Insects Affecting Crops, Livestock, and Households, 1965, Agriculture Handbook No. 290."

Accordingly, I secured a copy of the new handbook from Mr. Anderson's office and compared it with the 1964 edition. I find little difference between the 1964 and 1965 editions. With only a few exceptions, the same chemicals are recommended for the same insect problems on the same crops, and at the same rates per acre. These examples are taken from the 1965 handbook:

(1) On page 9, the use of DDT is recommended for control of Japanese beetle grubs at the staggering rate of 9 ounces per 1,000 square feet, which is the equivalent of 24 pounds plus per acre.

(2) On page 8, Chlordane is recommended on "lawns or other turf areas" for control of chinch bugs and false chinch bugs at the rate of 4 ounces per 1,000 square feet, which is the equivalent of 10.8 pounds per acre. The handbook adds: "A second application may be needed in 7 to 10 days."

(3) On page 7, the handbook recommends 25 pounds of DDT per acre for control of white-fringed beetles. Or, the handbook says, you can use from 3 to 5 pounds per acre of Dieldren.

(4) On page 26, the application of Endrin for sugarcane borer is recommended at the rate of 1 pound per acre in three applications per season of one-third pound each. Endrin is the extremely toxic chlorinated hydrocarbon that was determined to have been the killer of millions of fish in the lower Mississippi River in the winter of 1963-64.

(5) On page 32, truck farmers are instructed to treat for wireworms in beans with Aldrin at 5 pounds per acre, DDT at 10 pounds per acre, or Dieldren at 3 pounds per acre.

In my statement I cited the following inadequate and misleading statement pertaining to "Protection of Fish and Wildlife" that appeared in the USDA insecticide handbook for 1964:

"To protect fish and wildlife, be careful not to contaminate streams, lakes or ponds with insecticides. Do not clean spraying equipment or dump excess spray material near such water."

The 1965 handbook adds a couple of sentences about "drift," but is equally misleading in that it gives no hint of the hazards to wild birds and animals that may feed, nest and rest in nonaquatic areas—meadows, pastures, woods, lawns, parks, and cultivated fields—that are treated with toxic insecticides. These are the words, and the only words, pertaining to fish and wildlife that appear in the 1965 handbook:

"To protect fish and wildlife, be careful not to contaminate streams, lakes, or ponds with insecticides. Avoid drift of materials to such water sources. Where drift may create a problem, sprays are preferred to dusts and ground applications to air applications. Do not clean spraying equipment or dump excess spray material near streams or ponds."

It is quite evident, on the basis both of current labeling procedures and the instructions which it disseminates to the public, that the U.S. Department of Agriculture is unequipped or unwilling to give the public the facts about pesticide hazards to wildlife resources. It is equally evident that the operations of the Federal Committee on Pest Control are having very little influence on USDA policies.

Sincerely yours,

CHARLES H. CALLISON,
Assistant to the President.

MR. DINGELL. Dr. Anderson, the Chair would like to request from you, if you please, that you submit to the committee some examples of labeling carried out under present practices which requires the protection of fish and wildlife. You may submit whatever sample you choose. The Chair would appreciate having 15 or 20 or maybe more samples.

DR. ANDERSON. For the benefit of the previous witness, that document has now been replaced by one just off the press about 2 weeks ago entitled 290. It is a guide to insect control. We would be happy to provide the committee with a copy of this document.

MR. DINGELL. Thank you very much.

The Chair is happy to recognize now Mr. Louis Clapper.

You may proceed, Mr. Clapper.

STATEMENT OF LOUIS S. CLAPPER, CHIEF OF CONSERVATION EDUCATION, NATIONAL WILDLIFE FEDERATION

MR. CLAPPER. Mr. Chairman, I am Louis S. Clapper, chief of conservation education for the National Wildlife Federation. The federation is a private organization which seeks to attain conservation

goals through educational means. Our organization has affiliates in most States and these groups, in turn, are made up of individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2 million persons.

We welcome the invitation and opportunity to appear before the subcommittee today to express our views on these proposals.

Before comments on the specific proposals under consideration, Mr. Chairman, we should like to make a pertinent observation about uses of chemical pesticides.

It has been our conclusion that a deliberate campaign is being waged this spring to discount dangers related to uses of chemical pesticides. The results of a staff study undertaken by the House Appropriations Committee, and announced late in April of this year, emphasized the values of chemicals in controlling pests.

At the same time the study attacks adverse criticism of the use of chemical pesticides and endeavors to debunk findings and conclusions of the late Rachel Carson. The principal thrust of the staff study, generally speaking, as we read it, is that little harm is known to result from the use of chemical pesticides and the public should not be alarmed. This study then became the basis for industry-originated publicity. One release says that birds are singing this spring, "Take a deep breath and relax." Another asks: "Is the world to be kept for people or pests?"

Mr. Chairman, we view the losses of wildlife to pesticides—properly used or improperly used—as being quite serious, particularly for some species. And, we question the validity of the implication that only chemicals stand between people and a takeover of the world by pests, which nobody wants, of course.

Still, the main gist of our observation here is this: In the light of a lack of information, we believe there is a real need for exerting continuing caution in the use of these chemicals, not complacency.

Members of the committee, of course, are aware that a special advisory group of scientists earlier this year recommended that the Food and Drug Administration pursue a cautious course with respect to establishing tolerances for residues of aldrin and dieldrin on raw agricultural commodities, saying uncertainties exist with relation to possible association with the chemicals to inducing cancer, and saying it is "impossible to cite a margin of safety based on animal studies."

The committee holds:

(1) that aldrin and dieldrin are potentially highly toxic substances; (2) that occupational exposures to aldrin or to dieldrin have occasionally produced central nervous system effects lasting several months; (3) that fragmentary quantitative data suggest that chronic occupational exposures to these pesticides in amounts of as much as 2 milligrams per day (1 part per million expressed as if the total were in the diet) need not lead to obvious ill effects; and (4) that information available at this time does not justify maintaining tolerances at their present levels indefinitely and without qualification, but that temporary continuation of the tolerances stated below will not involve an undue hazard of the public health.

Acting on recommendations of the committee, FDA is proposing reductions on tolerances of these chemicals.

With this information in mind, we see no need yet for complacency. In fact, we believe there is a definite need for increased research on effects of these pesticides on fish and wildlife, partially because of the

high importance placed on these creatures by man, and partially because some species provide food for man and might transmit dangerous chemicals to him.

Therefore, we are in accord with the principles of S. 1623, authorizing increases in the levels of research. Whereas approximately \$54 million was appropriated to USDA in the current fiscal year for pest control research, we think \$5 million or more is not unreasonable for fish and wildlife studies on the effects of pesticides.

We would think that there is little need for specific ceilings on appropriations authorizations, in view of other controls, but do not oppose those in S. 1623 if the Congress believes they are desirable. However, we wonder why specific ceilings are needed on Interior research projects but not on those pursued by Agriculture.

Needless to say, we are hopeful that research will result in the development of alternate methods of pest control which are effective yet less hazardous.

Now, to comment briefly on other proposals under consideration today. We have noted, with interest, the Interior Department's negative report on H.R. 4157. The National Wildlife Federation is well aware that the interest of the sponsor of H.R. 4157, of this subcommittee, and of the full committee, was responsible to a significant extent in administrative decisions within the Department of Agriculture to require adequate warnings on pesticide labels.

Commendations are due both the committee and the departments concerned over this progress. Frankly speaking, of course, our organization would like to have the labeling requirement spelled out in the law even though it may not be necessary at the present time. Administrations and administrators do change and we would feel more secure if the labeling requirement were spelled out by law.

We also feel that the interest, and concern, of the members of this committee was equally instrumental in establishment of the Federal Committee on Pest Control, successor to the Federal Pest Control Review Board. There is no question that this committee has made significant progress toward coordinating Federal projects on pesticide control and in requiring notifications about projects to be directed to the appropriate State agencies, including those responsible for fish and wildlife resources.

For this we also are thankful. Therefore, it is somewhat ironic that H.R. 4158 now is considered unnecessary. While we applaud cooperation attained through this committee, there is a gnawing doubt that it might always function so effectively, and free from pressures.

Consequently, while not desiring a "veto" authority for the Fish and Wildlife Service, we could see little harm in requiring consultation as provided in H.R. 4158. It is beyond comprehension, of course, how the wording in this bill could be construed as giving the Service virtual control over all Federal pest control programs.

Admittedly, in view of limitations on personnel and facilities, it likely would be difficult for the Fish and Wildlife Service to advise other agencies specifically of the potential damage of all projects but this is true at the present time with respect to the Committee on Pest Control. In any event, we would like for more information about these programs to be disseminated, at least to the Congress as would be provided in section 5 of H.R. 4158.

In conclusion, Mr. Chairman, we should express the hope that this committee continues its fine and active interest in problems associated with the effects of pesticides on fish and wildlife resources. We believe your contributions have been of tremendous value.

Thank you.

Mr. DINGELL. Thank you very much, Mr. Clapper.

Mr. Reinecke?

Mr. REINECKE. No questions.

Mr. DINGELL. Mr. Dow?

Mr. Dow. No questions.

Mr. DINGELL. Thank you very much for your presence here this morning.

The Chair recognizes Mr. M. R. Cutler, assistant director to the Wilderness Society.

STATEMENT OF M. RUPERT CUTLER, ASSISTANT EXECUTIVE DIRECTOR, THE WILDERNESS SOCIETY

Mr. CUTLER. I am M. Rupert Cutler, assistant executive director of the Wilderness Society, a private educational organization supported by some 30,000 American conservationists.

Mr. Chairman, I appreciate this opportunity to present a brief statement on behalf of the Wilderness Society in support of the objectives of H.R. 4157 and S. 1623, to reduce pesticide destruction of fish and wildlife through the establishment and financing of an Interior Department pesticide "screening" program and a requirement that dangers to fish and wildlife be stated on pesticide container labels, and in support in principle of H.R. 4158, to improve interagency coordination by requiring administrators of federally financed pest control operations to obtain in advance the comments and recommendations of both Federal and State wildlife conservation agencies on their proposed spraying programs.

It seems that our wildlife conservation agencies are always the last to know that plans are afoot to douse the countryside within their bailiwicks with chemical poisons. Perhaps the wildlife agency administrators are to blame for their own ignorance to the extent that they do not take the initiative to keep abreast of other agencies' plans which may affect the resources for which they are responsible.

But our wildlife agencies are outgunned by the agricultural and forestry agencies in terms of money and manpower, not to mention the fact that the well-healed chemical industry stands in the same corner of the ring with the would-be sprayers, and the official protectors of our wildlife resources need the help that a Coordination Act such as H.R. 4158 would give them to reduce their handicap.

A well-financed research program to determine the effects of specific pesticides on many different species of fish, birds, and mammals, in other words a program to "screen" the potentially more harmful compounds from the less harmful, is essential.

The President said as much in his February "Message on Natural Beauty of Our Country." The Department of the Interior, woefully short of knowledge in this area at the present time, should be provided with enough money to catch up with and stay abreast of the chemical industry's prolific production of new pest control materials.

Whether a ceiling should be placed on the amount of funds to be made available for this purpose is something this subcommittee, in its wisdom, will have to decide.

Once the dangers of the different chemicals to fish and wildlife are known, they should be stated clearly on the pesticide container labels together with information on the chemicals' danger, if improperly used, to man and his domestic livestock and pets.

The Wilderness Society stands opposed to large-scale spraying of broad-spectrum, long-lived chemical poisons over areas of dedicated wilderness and other wild country. Too little is known about the long-term effects of these poisons on all the interdependent forms of life in these areas, including the sportsman's family which eats the pesticide-contaminated meat of a deer or elk from a sprayed area.

One of the primary values of wilderness areas is their role as untouched examples of natural ecological relationships, so easily upset by a dose of bug poison. We were deeply distressed last summer, for example, by the extensive use of chlorinated hydrocarbon poisons over large areas of the Salmon National Forest, with the reports of emergency releases and a recognizable impact of this program upon fisheries and other wildlife resources, and were relieved to learn that a less-destructive chemical, malathion, is being tried there on an experimental basis this year.

We are interested not only in the preservation of wilderness wildlife but in the preservation of all forms of wildlife, and are concerned about our lack of knowledge of the long-term effects of today's potent pesticides on these forms of life. In some way, more knowledge of these effects and better control of pesticide use based on this knowledge must be effected.

Thank you.

Mr. DINGELL. The Chair is happy to announce the presence of Mr. Daniel Poole of the Wildlife Management Service.

STATEMENT OF DANIEL A. POOLE, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE, WASHINGTON, D.C.

Mr. POOLE. Mr. Chairman, I am Daniel A. Poole, secretary of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute is one of the older national conservation organizations, and its program has been dedicated to the improved management of natural resources in the public interest since 1911.

As the members of this committee are aware from the many previous hearings on pesticides matters, the conservationists wholeheartedly support the objectives of H.R. 4157 and S. 1623. The primary reasons for past expansion of the fish and wildlife research activities in this field are the unending proliferation of various commercial pesticides, their greater use for agriculture, forestry, and other purposes, the mounting evidence of the persistence of some of these chemicals in the environment, and their detection in the tissues, eggs, or offspring of fish, mammals, birds, and other animals. These same factors further illustrate the acute need for continuously reviewing the overall pesticides situation and for revising and expanding research and other programs as required.

It was largely because of the interest of the members of this committee and of other Members of Congress that the executive department moved in recent months to improve coordination between the several Federal agencies having responsibilities for pesticides control programs, public health, and fish and wildlife.

One product of this interest is the Interdepartmental Agreement on the Coordination of Activities Relating to Pesticides to which the Departments of Agriculture, Interior, and Health, Education, and Welfare are signatory.

Another manifestation of improved interagency coordination is the formation of the Federal Committee on Pest Control, which supplants the former Federal Pest Control Review Board.

Conservationists believe these steps are constructive. They point to a better balance of interest and responsibility among the several Federal agencies, and they provide a firmer and more positive foundation for the exchange of ideas, information, and knowledge.

There should be no excuse now, as we see it, for a chemical control program sponsored by one department to seriously threaten the resources and the areas of responsibility assigned to a second department. These difficulties should be worked out in advance of actual field application of the poisons.

The interdepartmental agreement and the Federal Committee on Pest Control are supposed to make these basic conflicts a thing of the past. This reorientation of Federal pesticides activities is relatively recent, and we have no evidence that the present arrangements are not working satisfactorily.

Perhaps, after a period of operating experience, it may be advisable for the committee to review the effectiveness of the current procedures.

The proviso in section 1 of H.R. 4157 that would require the printing of cautionary wording on the labels of packaged pesticides is a case in point. Cautionary wording now is required to be placed on labels under the interdepartmental agreement. The procedure appears to be working smoothly.

However, if the committee would prefer that such labeling be made a matter of law, or if it believes that the present procedure is not satisfactory, then we would support necessary remedial action.

Section 2 would authorize the Secretary of the Interior to conduct various programs as a means of discharging the responsibilities under the act. The Fish and Wildlife Service currently has active projects of the kind that are mentioned. If the committee believes that the overall program would benefit from the spelling out of these authorizations in law, we certainly would support them.

Section 3, which would increase the annual limitation on appropriations from the current \$2,565,000 to \$3.2 million in 1967 and to \$5 million in each fiscal year thereafter, is consistent with the expressed research program needs of the Service. Conservationists concur in this schedule of increased appropriations, Mr. Chairman, because it would help to equip the Service to conduct a pesticides research program of the necessary magnitude.

I wish to make a final point in this regard. The Fish and Wildlife Service, like other Federal agencies, is operating under a manpower

ceiling that restricts both the number of employees and the grades at which employees can be assigned. Some of this may be desirable, but at the same time I want to point out that as long as this limitation exists, the appropriation of more money is no guarantee that the Service's pesticides research program will undergo commensurate acceleration and expansion.

Some of this additional research undoubtedly can be contracted with universities and other specialized groups, but it is not believed that a critical research program of this kind can be based largely on contract research.

There must be a hard core of continuing research effort. Persons engaged in precise work of this kind must be competent in their individual areas of interest, but in addition, they must be fully aware of the ramifications that exist within the overall problem of pesticides contamination. This awareness cannot be developed to its maximum in programs where the research effort is widely scattered and is being conducted among segments that have little regular and continuing contact.

I do not know what the Congress can do about the manpower and grade ceilings that are imposed by the executive department. It is realistic, however to acknowledge that they do exist and to recognize that they have the practical effect of limiting the pesticides program as surely as inadequate appropriations.

The objectives of H.R. 4158 are persuasive, because fish and wildlife have been and continue to be the first visible indications of the effect of the field application of pesticides. That is, the finding of dead or debilitated fish, birds, frogs, and other animals in the field most frequently is the earliest indicator of the contamination of the environment with pesticides.

Much of the adverse public reaction to the uncoordinated use of pesticides for agriculture, forestry, and similar purposes in the past arose from sportsmen and other conservation-minded individuals who have a profound interest in wildlife of all kinds. They did not believe then, and they do not believe now, that society should be asked to accept the destruction of fish and wildlife and environmental contamination as the price of producing more timber and farm crops.

A society that has the technology to develop and formulate persistent pesticides capable of mass eradication of unwanted insect pests, conservationists reason, also should have the capability of determining the conditions under which those poisons should be used so as to minimize direct destruction of fish and wildlife and to least contaminate the environment.

We still do not have the necessary knowledge, however, and the principal difference between the time when pesticides first evoked public outcry and now is that current programs are entered into with a good deal more caution and coordination among all interests.

Pest control interests have little difficulty demonstrating the effect of a poison on unwanted insects. The effects on fish and wildlife are more obscure and subtle, however.

Lacking such knowledge, many conservation-minded persons are prompted to urge that fish and wildlife values be given more consid-

eration whenever proposed pesticides programs are reviewed. They would prefer that program goals be viewed from the conservative side, and that is why I say that the objectives of H.R. 4158 are persuasive.

In its report on this bill, the Interior Department observes that the new Federal Committee on Pest Control provides a mechanism for advance consultation on the potential effect of Federal and federally assisted pesticides programs on fish and wildlife. Although the Committee's functions and procedures do not make specific mention of providing opportunity for advance consultation with the States, it appears that such consultation is not impossible.

A weakness is that the Committee's success rests almost entirely on the willingness of the cooperating agencies to comply with the wishes of the majority. Should the member agencies find themselves unable to agree, or should the Committee's recommendations appear to exceed the authority of an agency, then the Committee is authorized to recommend "to the appropriate departments for the preparation of needed legislation."

The new Committee has not been operating for sufficient time, Mr. Chairman, to give much indication of its effectiveness.

Much of what it can accomplish, of course, will depend on the willingness of the agencies to cooperate. Another important aspect will be the scientific information that each agency can take to the conference table. The inability of any agency to present information on a project under consideration may lead to its favorable consideration even though the information, if known, would have been sufficient to warrant significant modification or cancellation of a proposed project.

It is believed that the Fish and Wildlife Service finds itself in the latter situation, where it lacks information on most of the many commercially available formulations. It is unable to comment on the expected results from the application of such material at various times and under differing conditions.

It appears that the primary job before the Service is to acquire the knowledge that is necessary to permit it to function fully as a member of the Committee. The enactment of H.R. 4158 at this time, even though we support its objectives, would appear to put the Service in the position of having to oppose most proposed pesticides programs simply because it lacks adequate scientific information. A first order of business, we believe, is for the Service's research program to be expanded and accelerated, as is proposed in H.R. 4157 and S. 1623, so that the necessary information and knowledge can be acquired.

When this is done, it may be necessary to seek further authority to get fish and wildlife a stronger role in evaluating Federal and federally assisted pesticides programs.

Mr. DINGELL. The committee is grateful to you, Mr. Poole, for a very fine statement.

Mr. Dow?

Mr. Dow. No questions, thank you.

Mr. DINGELL. The Chair is happy to recognize Dr. Spencer Smith, secretary of the Citizens' Committee on Natural Resources.

Dr. Smith, you are indeed welcome before the committee today. You may present any statement you care to present.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF THE
CITIZENS' COMMITTEE ON NATURAL RESOURCES, WASHINGTON,
D.C.

Dr. SMITH. I will try to briefly summarize my statement in regard to the two measures.

I will say that the record should be corrected in my statement regarding H.R. 4157. I hope my testimony will be corrected because I said therein that to the best of my knowledge the Department of Agriculture had no opposition to this bill. I should like to indicate that I did not draw this out of thin air but I am sure the chairman recalls that in the last Congress the House passed on September 1, 1964 a bill identical to H.R. 4157.

From colloquy on page 2052 of the record for that date, the chairman of the committee, Mr. Bonner, said:

This bill does not affect the Department of Agriculture any way whatsoever, as I informed the gentlemen this morning. The Secretary of Agriculture sent his representative to my office. I had the committee staff in my office and he went over the bill and its effect. He said I am satisfied with the bill and phoned the Secretary of Agriculture and came back to us and said it is all right. We will clear it.

Since this bill is identical with the one that was passed out of that Congress, I leaped to the conclusion that not too much had transpired from that time and with the bills, being identical, they would in all probability not object to the bill this time. Therefore, I have to amend my written statement as a result of the testimony of the Department of Agriculture this morning.

Mr. DINGELL. Without objection you may make changes you regard as appropriate.

Dr. SMITH. My own reaction to the bill H.R. 4157 after hearing the comments this morning is that even though the administrative procedures that handle labeling appear to be working, we very strongly support enactment of H.R. 4157.

Mr. Chairman, having been in this town, not so overly long, but for about a decade, this situation is not new—where administrative agencies say the act is not necessary because we are doing this now. Some 8 or 9 years ago we were told the same thing about wilderness legislation because the Forest Service was properly administering the act. We felt that statutory protection was necessary. There are an infinite number of other areas where cooperation takes place and in many instances statutory authority is not desired by the executive department.

I am especially impressed by both measures. I approve of the emphasis on fish and wildlife contrary, I might add, to Dr. Anderson's concern about the fragmentary aspects he feels might result. I am worried about it, too, but for exactly the opposite reason. I don't think fish and wildlife have been sufficiently emphasized in considering the ill effects of pesticides.

I am also impressed with H.R. 4158. It is quite appropriate for the Fish and Wildlife Service to be consulted in this matter and, it does require reporting to Congress and I think the latter is important.

Mr. Chairman, as you know, probably better than anyone else, the real and genuine motivation and concern for the effect of pesti-

cides on fish and wildlife has really come from this committee. I hope this committee keeps its ear acutely attuned to what the problems are and I feel that H.R. 4158 will achieve this.

When consultation is provided for by statutory authority, people inevitably give an extreme interpretation on what is going to happen. I do not see the Fish and Wildlife Service making it impossible for any Federal agency to initiate a program of pesticide use.

I am also persuaded by the inquiries made by the chairman of the witnesses indicating wherein either of the measures have an adverse effect upon the present administrative practices. If the proposed law is not going to hurt any, I recommend to the Chair that it might have some very amelioratory effects.

I would also like to supplement very briefly, but not with the documentation or perhaps the color of Mr. Callison's testimony, to suggest that at a number of the market places where I shop registration has not been heard of.

I made a rather concerted effort over the last 8 or 9 months as an individual not having any staff, to find out how prevalent registration has become and I am still in the process. But last summer heptochlor and endrine were being used in an almost disastrous form in the Midwest without a word of caution on the various chemicals, not one word. Some of these chemicals were being manufactured all over the country, so it was sold in interstate commerce.

When I came back to Washington I was somewhat upset about this and made inquiries. I was told that there was a considerable carry-over and inventories were large; hence, it would be impossible, administratively, for enforcement purposes to recall all of the products in the supply line.

In many instances inventories can extend over 3 or 4 years during which time these commodities are being disseminated and used in the same fashion that they have been for the last 6 years in the Midwest, of which I have personal knowledge.

One chemical manufacturer with whom I discussed this problem some time ago, and I took particular issue with him especially in regard to this product being used to combat Dutch elm disease, made the statement:

We have taken some protective control in labeling. We have asked people when they spray to hold this at a 45° angle so none of the spray will come back on them and hurt them.

The product has a very toxic effect on individuals but this was the extent of the labeling.

He thought apparently he had gone as far as he could without destroying, and these are quotes, "the economic integrity of the product." Which I presume means it would have an adverse effect upon the sale of the product.

I am suggesting that whatever procedures are now being undertaken and what procedures can be undertaken in the future, it is extremely important to investigate two areas. The first is the problem of registration.

Now, as I read the act, Mr. Chairman, I do not find any place in the act—and if I am incorrect I will be very happy to be corrected—which deals with products on the market for a number of years that do not meet any accepted standards. Do they ever need to meet the

standards that the Department of Agriculture now has for the registration of products having these particular chemical compositions?

I am sure that there are a tremendous number of these products that in all probability are not going to come back in to be registered.

I am very confused as to what statutes apply and if there is any statutory means that requires the Government to make some effort of investigation to find out where these highly toxic poisons are being used and to present their use and to reregister them and relabel them in accordance with existing statutes.

I think this is one of the most significant problems because, after all, as Mr. Callison pointed out, many of these pesticides have been on the market for years and years and our effort in registration has been relatively recent. Will we ever cut down the backlog? It is quite possible we could register all new pesticides for the next 20 years and those in existence could still have a disastrous effect upon existing wildlife.

Mr. DINGELL. The Chair is reluctant to interrupt you but the bells have rung for the second time.

Dr. SMITH. Thank you very much.

Mr. DINGELL. The subcommittee will be recessed subject to call of the Chair and the record will remain open for 10 days for any additional statements. The Chair thanks all of you for your statements.

(The following material was received for the record:)

STATEMENT OF RICHARD T. O'CONNELL, SECRETARY, NATIONAL COUNCIL OF
FARMER COOPERATIVES

I am Richard T. O'Connell, secretary of the National Council of Farmer Cooperatives. The national council is a nationwide federation of farmers' business associations engaged in the marketing of agricultural commodities or the purchasing of farm production supplies, or both, and of State cooperative councils. The organizations making up the council are owned and controlled by farmers as the marketing and purchasing departments of their farm business operations.

H.R. 4157, authorizing transmission of information on chemicals to the Secretary of Agriculture by the Secretary of Interior and an evaluation of chemical programs.—We are opposed to H.R. 4157 in its present form because it would cause unnecessary duplication of existing research facilities and programs.

Section 2, which amends the act of August 1, 1958, and September 16, 1959, is, in our judgment, vaguely worded and seeks an "open end" authority for obtaining appropriations for research.

The 85th Congress, in the act of August 1, 1958, authorized an annual sum of \$280,000 to the Secretary of Interior for the purpose of studying effects of insecticides, herbicides, fungicides, and pesticides upon the fish and wildlife resources of the United States. The statute also permits the Secretary of Interior to study amounts, percentages and formulation of such chemicals that are lethal to or injurious to fish and wildlife. We believe this is an important function of the Secretary of Interior, and we support his studies in this area. However, broad new research programs in this field should be thoroughly debated and approved only if the public interest warrants the action. If the Secretary of Interior has a specific program in which he can outline his research needs and goals, the act of August 1, 1958, can be amended to include the specific amount of funds the Secretary believes necessary to complete the work along with the specific programs he wishes to undertake.

We wish to call to your attention the considerable research and research facilities for agricultural chemicals or pest control already available in governmental agencies. The USDA has been authorized to establish a metabolism and radiation research laboratory at Fargo, S. Dak., and a biological control of insects research laboratory at Columbia, Mo. These two laboratories are relatively new. Since the laboratories will have as their responsibility, research on pest controls, we believe it is unnecessary and uneconomical to duplicate or expand research facilities.

H.R. 4158, a bill requiring Federal agencies to consult in advance with the U.S. Fish and Wildlife Service and State agencies prior to using pesticides and other chemicals in mass biological controls.—The National Council of Farmer Cooperatives believes H.R. 4158 is unnecessary and unwise for at least three important reasons: (1) Contrary to the implication of the bill, avenues of consultation on agricultural chemicals now exist on an intergovernmental agency basis; (2) no limitations appear to be placed on the "financial or other assistance" by the Federal Government officials as contained in section 2; (3) we see little wisdom or fairness in giving one agency veto power over another as is implied in section 3.

Each of these reasons is discussed below.

ADVANCE CONSULTATION IS AVAILABLE NOW

A high-level system of advance consultation is open to governmental agencies using agricultural chemicals through the Federal Pest Control Board. Established in 1961, the Board consists of representatives for each of four agencies, the Departments of Agriculture, Defense, Health, Education and Welfare, and Interior.

The effectiveness of the Pest Control Board can be judged by the testimony of Secretary of Agriculture Orville L. Freeman before the Subcommittee on Reorganization and Internal Reorganization of the Senate Committee on Government Operations. Secretary Freeman said, "Federal programs (chemical) must have the approval of the Board before they can be put into operation." No legislation is needed since this interagency committee is a solution to this problem.

We believe the procedure followed by the Pest Control Board of reviewing all governmental programs is an adequate safeguard for any programs having a possible destructive effect on plants and animals, classified either as domestic or wildlife.

EXCESSIVE CONTROL OF AGRICULTURE CONTAINER IN SECTION 2

Section 2 of H.R. 4158 offers a virtually unlimited authority for indirect control of agriculture by the U.S. Fish and Wildlife Service. We make this statement because of the lack of clarity in section 2. That section prohibits an officer or agency of the Federal Government giving any financial or other assistance for any program unless prior consultation with the U.S. Fish and Wildlife Service and affected State agencies is accomplished. Does this mean that any farmer obtaining a loan from the Farmers Home Administration, a farmer seeking loans from any agency of the farm credit system, receiving price supports under any Government program, or a farmer receiving payment from the Commodity Credit Corporation for on-the-farm storage operations will be forced to submit a program for using agricultural chemicals on his farm to the U.S. Fish and Wildlife Service for approval? We believe section 2 can be interpreted that broadly as it now reads.

THE VETO POWER OF SECTION 3

Section 3 of H.R. 4158 contains a sentence which deeply disturbs us. It is the sentence in the section which reads as follows: "In the event any Federal officer or agency shall fail to take any action recommended by the U.S. Fish and Wildlife Service, such Service shall make a report thereof without delay to the Congress for referral to the appropriate committees." If our interpretation is correct, this sentence will permit the U.S. Fish and Wildlife Service to exercise excessive authority over all agencies using agricultural chemicals. It could place the protection of wildlife resources above consideration for national defense, public health, and the production of food and fiber.

The only escape clause from this sweeping authority of the U.S. Fish and Wildlife Service is by express consent of the Secretary of Interior. Again, his decision can be based solely on the impact or lack of impact on wildlife resources.

STATEMENT OF ALFRED G. ETTER, FIELD REPRESENTATIVE, DEFENDERS OF WILDLIFE: A NATIONAL NONPROFIT CONSERVATION ORGANIZATION

The National Geographic magazine for October 1945, contained an article called "Your New World of Tomorrow." One of the illustrations showed a truck at Jones Beach, New York City, carrying a sign reading, "DDT, Powerful Insecticide: Harmless to Humans." A fog applicator was busy spraying a cloud of DDT over both beach and bathers.

Twenty years later we are still spraying DDT with the same childish enthusiasm. Since this New York beach was sprayed, we have sprayed a billion pounds more of this newly created chemical into a world that was never designed to handle it. We have devised 200 other types of synthetic pesticides, and named 10,000 new trademarked formulations, and now are putting nearly a billion pounds of poison into circulation each year.

It is high time to ask if the world is a better place to live in as a result of this two-decade barrage, and whether the earth system can stand another two decades of this kind of manhandling. To many, it is all too obvious that in addition to the same old problems and pests, we have many new problems and pests. We are spraying more but having to spray more. Instead of a mosquito bite on the beach, we have a debate in Congress. Is this progress?

THE HARVEST

We have a press release from the Secretary of Interior which states that, "Interior agencies were told to avoid using compounds which are known to concentrate in living organisms, such as DDT, chlordane, dieldrin, and endrin."

We have had citizens of Norfolk, Va., asking for an injunction against a State agriculture board order to spread dieldrin on 3,000 acres of city land. We have had the people of Battle Creek suing the Michigan Department of Agriculture, we have had neighbor suing neighbor, and the dairy farmer looking for someone to sue, without success.

We hear the common, but always painful expression of emotion over dead and dying birds. A woman writes that her husband "climbed up on a ladder and found four young dead decayed robins in the nest. We all think the parent birds ate insecticide-poisoned worms." Such suspicions are often well founded, but objections are met with honeyed, but cold, remarks such as, " * * * as much as we deplore the destruction of quantities of bird life, we cannot in good conscience recommend stopping treatment * * * with dieldrin * * *."

We listen to a constant harangue that begins, "Chemicals are necessary * * *," a screen that chemical interests and agricultural technologists hide behind to avoid the future. We see great reluctance to lift this screen, but at its 1965 meetings, the American Association for the Advancement of Science held their "first symposium to bring together reports on alternatives to chemical means of pest control * * *." At the same meeting we heard the report of an AAAS committee, "The Integrity of Science," which charged that military, economic and political pressures are stampeding us into the kind of acts that can endanger man, and that outside pressures are eroding science's usual integrity.

We have an irate professor, authority in the field of pesticides, writing that, "I rather soft-pedaled the academic troubles I've had primarily because I wish not to relive them. Actually I had a hell of a lot of trouble—and still do on some counts. Presently it takes the form of being excluded (as a nut or crackpot) from any important pesticide decisionmaking bodies. Our campus is heavily implicated in these matters * * *."

We have another irate professor, speaking out. "There is a hell of a lot of window dressing being done by the USDA, various agricultural experiment stations, and so-called pesticide control boards to make it sound like they have gone out big for biological control."

A director of a university press wonders why he is subject to such unscholarly criticism for publishing a scholarly analysis of the pesticide problem.

While a professor at Lehigh complains, "We just can't keep informed of all the acts of mayhem that mankind is committing upon its environment," the State Secretary of Forests and Waters orders a new DDT program and asks for new sweeping authority to control pests, pompously declaring to opposition that "There is risk in all government."

HUMAN GLEANERS

We have a report in Science magazine detailing current levels of DDT, dieldrin and lindane in the fat of human. Some humans may have 10 times as much as others, even without obvious occupational exposure. In 1956 a prominent health investigator announced that "a large safety factor is associated with DDT as it now occurs in the general diet," but in 1960 he added that, "measures for preventing injury by pesticides must be based on a firm knowledge of their physical, chemical, and biological properties." Four years later, a report in Science magazine on the mode of action of DDT begins by saying, "Although DDT

is the best known and most extensively used of the insecticides, its mechanism of action remains obscure."

According to a Public Health report, the average American eats, drinks, and breathes a total of 500 milligrams of pesticides each year. Chairman of the Technical Advisory Committee of the Association of Food and Drug Officials says that out of 10,000 samples of U.S. milk collected in 1961-63, 90 percent were contaminated with DDT, 29 percent with methoxychlor, and 5 percent with other pesticides.

He concluded that some contaminated milk was inevitable so long as inadequate control is exercised over producers of feed and over pesticide drift.

Following a kill of fish by DDT in Michigan, the carcasses were picked up by a rendering company and converted into livestock feed and so-called non-human-use fats.

In 1965, the Journal of the Canadian Medical Association reported that 600 people who raised, picked, or graded apples had a higher than normal incidence of leukipenia (lowered white blood cell count) and neurologic effects, such as impairment of reflexes. The Mayo Clinic is accumulating case histories which strongly suggest a causal relation between exposure to pesticides and leukemia. Food and Drug researchists have found the insecticide Sevin capable of inducing thalidomide-like birth defects in experimental animals.

AGE OF (IR) RESPONSIBILITY

An optimistic health officer stated a few years ago that, "We live in an age of responsibility * * * responsibility in the use of chemicals has paralleled their introduction into industry and agriculture"; but now an agricultural journalism research project at the University of Wisconsin reports that of 100 farmers interviewed, 23 did not know the meaning of "hazardous chemical." Ten thought it referred to a spray "poisonous for insects but safe for people." Nearly a third of the farmers did not know what a chemical "residue" was.

Shell Chemical, leasing a Government plant, allowed pesticides to leak out into lakes in Colorado, killing vast numbers of waterfowl over a period of 14 years. In the same plant during one period 33 percent of the employees in the shipping department showed brain function abnormalities. More recently, 8,000 pounds of the exceptionally toxic Endrin were found in a sewer in Memphis.

The board of trustees of the Illinois State Medical Society went on record in 1963 as saying that "efforts to manipulate ecological balance by governmental agencies, private industry, and individuals through use of toxicants and radiation need urgent and conscientious study for the development of wise and effective controls * * *."

The Governor's Committee on Pesticide Review (California) has stated that "A fundamental weakness of the food control program is that monitoring programs are limited to pesticides known to have been applied and for which legal tolerances were established * * *. There are major deficiencies in our knowledge of levels of pesticides in fresh fish, game birds, animals, and shellfish." Ducks in Colorado using the polluted lakes mentioned above contained up to 60 parts per million of dieldrin, for which there is no tolerance in "tame" foods. A paper written by a researchist of the Bureau of Commercial Fisheries states that "In the seas there is the possibility of a continuous recycling concentration of the more stable pesticide compounds until they pose a real threat to man's own welfare." He points out that oysters make excellent filters, removing DDT from sea water very effectively.

PRESSURES, PREJUDICE, AND INTEGRITY

A prominent member of a committee of the National Academy of Sciences appointed to study pesticides has stated that the committee was stacked with USDA and chemical company representatives, and that a paid representative of Velsicol Chemical Co. wrote the first report of this committee. This representative is now a member of the board of a chemical corporation.

Requests on the part of wildlife representatives on this committee that they be permitted to write a minority report were refused. Threats made by at least one of these men to expose the whole affair for what it was resulted in extensive adjustments in the third report of the committee.

An FAO employee states that pesticide manufacturers are now sending lobbyists to regional FAO meetings, and that tons of dieldrin are being dumped in

Uganda—though FAO officials deny it. Another authority says that almost no concern of research is evident in the Southern Hemisphere with respect to pesticides.

An employee of the "fire ant program" of the USDA, now admittedly a failure after the expenditure of \$25 million, has charged that his research program was set up for him so that he had no choice but to get results favorable to the USDA, and he admitted that he could not tell all the details or he would get fired.

A Department of Agriculture official, now retired, tried to get a professor at Michigan State University fired for his "irresponsible" statements about the effects of spray on wildlife. This same professor is now recognized as one of the first to undertake the difficult study of the role of DDT in nature.

At this point in this testimony, it is necessary to cite personal experiences related to the subject. I was intimately acquainted with the above professor's research. I picked up scores of dead birds on the campus and these were analyzed by this man or his students and shown to contain lethal quantities of DDT. In place of a vote of confidence and congratulations such as might have been received for discoveries of much less significance, this man was quieted down, intimidated, and left out of discussions and assignments closely connected with his interests. The campus policy appeared to be to keep this matter, and both of us, quiet.

A motion picture which I made of about a dozen species of birds and mammals dying with DDT tremors could not be shown on the campus educational TV station even though listeners had written in to request something besides the steady diet of pesticide application information. The director of the experiment station said it was too controversial a subject.

At this same institution, a very fair, mild, and accurate bulletin on the effects of spray on wildlife, although published and distributed to county agents, was very shortly withdrawn from distribution and all copies recalled because a few influential agents complained that it interfered with their spray programs. Thirteen thousand copies lay in the basement while people who wrote in for copies were informed the title was out of print. The professors who wrote it were told to rewrite it, but they refused.

MYSTERIOUS GREEN SUBSTANCE

After at least 8 years of documented bird deaths on the campus of this university, the university president finally yielded to the extent of appointing a committee to study the campus elm-spraying program. The committee consisted almost entirely of agriculturally oriented or intimidated persons. Those actually aware of what was going on were excluded. The committee came up with a very unscientific experiment in which part of the campus was to be sprayed with methoxychlor, supposedly less toxic to animals than DDT. The following year birds continued to die on both parts of the campus, as might have been expected since DDT levels in campus soils and soil organisms remained at high levels. A large fish-kill on the campus river followed the first application of methoxychlor. This was explained away by the committee on the basis that "some mysterious green substance" had leaked into one of the drains that flowed into the stream. State water resources commission investigators pointed out that fish had died above this inflow.

Dutch-elm disease spraying programs continue to be mounted in various areas of the United States in spite of the fact that no conclusive proof exists that DDT is saving trees which could not just as well be saved by a sanitation program. Massive use of DDT in Michigan, Illinois, and Wisconsin in this program is undoubtedly related to the increasing pollution of Lake Michigan. Bottom muds, alewives, whitefish, aquatic organisms, ducks and gulls all show sizable loads of DDT. In some gulls, concentrations have risen over 2,000 parts per million in the body fat. In the Green Bay area, 35 percent of the gull eggs tested failed to hatch, and contained up to 200 parts per million.

Five years after similar research at Michigan State had proved the same thing, an article finally appeared in Science magazine reporting that DDT really did kill birds. It concluded that, "From the number of dead birds found, the many birds observed with tremors, chemical analyses of these birds, and a population decline among certain species, we conclude that DDT caused severe mortality of resident and migrant birds in Hanover (N.H.) during the spring of 1963."

A convention of ornithologists recently discussed the disappearance of ospreys, bald eagles, and peregrine falcons, and all evidence points to pesticides. Bats, our best pest catchers, appear to be more sensitive to DDT than any other tested mammal, and preliminary analyses are showing fantastically high levels of DDT.

DDT has now been found in penguins and seals in the Antarctic, in pondweed, snails and ducklings in Great Slave Lake, and 2,500 feet in the air over the United States and Canada. Search is now on for an uncontaminated sample. Old glacial ice is being considered as a likely source.

CONCLUSIONS

There can be no doubt that the American has an unreasoning faith in technology and particularly in applied chemistry. Vast propaganda campaigns as well as much substantial accomplishment combine to build up this faith. There can also be little doubt that the chief roadblock to a recognition of the danger of too many chemicals is a stubborn, unreasoning devotion of a large block of frozen minds to chemical control and human domination of all aspects of nature.

Most of these minds have been brought up under conditions of great dedication to the power of the chemical and a complete disregard for the role of natural processes in making agriculture and a healthful earth possible. It is high time that this block of closed minds (including economically influenced or prejudiced minds) be broken up by whatever means Congress can find. Whether it be by careful allocation of increased research funds as suggested in the Magnuson and Neuberger bill (S. 1623) or through required coordination of wildlife agencies and agriculture interests as specified in Mr. Dingell's bills (H.R. 4157 and H.R. 4158) makes little difference. Actually we favor both bills, but unfortunately the real need is not fully expressed in any bills now being considered.

The real challenge is for Agriculture and Public Health and all the rest of America to think in terms of natural processes first, not last, and to allow a maximum of self-regulation in the environment. We have to put a new emphasis on working with nature instead of fighting it.

We recommend that a sizable new program of agricultural research, in particular, be started—not under the direction of agriculturists, but of people trained to think in terms of natural process and natural productivity. We visualize a system of experimental stations aimed not at agricultural technology but at creating new approaches to agriculture, whole new methods of farming which will provide for maximum utilization of natural means of nutrient redistribution and renewal; maximum development of variety in the landscape, crop distribution, and crop rotation; new methods of using floods instead of hiding them; new and sensitive studies of soil biology and management; a whole new assessment of the interrelationships between plants.

We are confident that a new agriculture is the solution. It is evident that we need a more careful and appreciative treatment of the farm and farm landscape to preserve some flexibility, both of natural process and human choice and management. The practical limit has been reached to expansion of simplified agriculture, and in no field is this more evident than in the field of pesticides.

SPORT FISHING INSTITUTE,
Washington, D.C., June 30, 1965.

Hon. HERBERT C. BONNER,

*Chairman, House Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN BONNER: The Sport Fishing Institute has viewed with alarm the steadily growing State and Federal lists of areas affected by indiscriminate and uneducated use of chemicals designed to control insects, plant life, fungus, and other pests. We realize that stringent controls need be levied on users of such potent and lethal weapons adversely affecting our fish and wildlife resources.

Sport Fishing Institute recommends that H.R. 4157 and S. 1623 (concerned with prevention of reduction of injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides not be enacted since administrative action can completely cope with problems arising between the Department of the Interior, the Department of Health, Education, and Welfare, and the Department of Agriculture. Too, other provisions of H.R. 4157 and S. 1623 are already being met within the limits of time and money by the De-

partment of Interior, which now has ample statutory authority for carrying out such activities.

The U.S. Fish and Wildlife Service has been working on the effects of such longtime developed pesticides as DDT over a period of some 20 years. Other chemicals, as they have appeared on the scene, have also been intensively studied by the Service. Much is still unknown and research is daily demonstrating that very minute quantities of these chemicals used improperly will turn up unexpectedly in various environments as well as in accumulated residues in fish and wildlife that have been consumed by other animals. This, of course, may have a gross effect on man. Much is unknown and study must be continued in this program but legislation as embodied in H.R. 4157 is not needed to acquire such knowledge.

H.R. 4158 would provide for consultation between Federal and State agencies with the Department of Interior before programs involving the use of chemicals for biological controls may be sanctioned. This places the onus of coordinating such chemical control activities on one department whereas many Federal and State agencies use such materials and are consequently involved. Too, many other interests in addition to fish and wildlife feel the impact of Federal pesticide programs. Considerable time would be involved to police other agencies. In addition there already is a Federal Committee on Pest Control composed of representatives of agencies having responsibilities in this field.

Sport Fishing Institute would recommend against the enactment of H.R. 4158 for these reasons.

Sport Fishing Institute would appreciate inclusion of this letter in the record of testimony opposing enactment of H.R. 4157 and S. 1623, as well as H.R. 4158

Thank you.

Sincerely yours,

PHILIP A. DOUGLAS, *Executive Secretary.*

(Whereupon, at 12:15 p.m., the committee adjourned subject to call of the Chair.)

MISCELLANEOUS FISHERIES AND WILDLIFE LEGISLATION—1965

ENDANGERED SPECIES

THURSDAY, JULY 15, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 10:05 a.m., pursuant to call, in room 1334, Longworth House Office Building, Hon. John D. Dingell (acting chairman of the subcommittee) presiding.

Mr. DINGELL. The Subcommittee on Fisheries and Wildlife Conservation will come to order.

This morning the Subcommittee on Fisheries and Wildlife Conservation will begin hearings on H.R. 9493, by our colleague, Congressman Garnatz, and H.R. 9424, by one of our distinguished and beloved former members of this committee, T. A. Thompson.

These bills under consideration today are identical, and they have to do with the conservation and protection of native species of fish and wildlife threatened with extinction. Over the years, some 24 birds and 12 mammals native to the United States have become extinct, and unless a solution is found to provide greatly needed habitat and protection, many others will follow.

For many years, the subcommittee has made a study of this matter in an effort to determine the best legislation that would be needed to provide protection for endangered species. Heretofore, special acts of Congress have been employed to save many of the threatened species, but sometimes they have appeared to be too little and too late. However, the bills before the subcommittee today will eliminate this problem and would give the Secretary of the Interior the authority to initiate and carry out a comprehensive program for the protection, conservation, and restoration of species threatened with extinction.

It is hoped that the testimony given today will be of valuable assistance to the subcommittee in its search for a solution to the problem of vanishing fish and wildlife.

Let the bills and departmental reports appear in the record at this point.

(The bills and agency reports follow:)

[H.R. 9424, H.R. 9493, 89th Cong., 1st sess.]

BILLS To provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that one of the unfortunate consequences of economic growth in the United States has been the extermination of some native species of fish and wildlife; that serious losses in other species of native wild animals with educational, historical, recreational, and scientific value have occurred and are occurring; and that the United States has an obligation pursuant to international agreements, such as the Migratory Bird Treaties and the Inter-American Treaty on Nature Protection and Wildlife Preservation, 1940, with Canada and Mexico and other countries to conserve and protect, where practicable, the various species of native fish and wildlife, including game and nongame migratory birds, that are threatened with extinction. The purposes of this Act are to provide a program for the conservation, protection, restoration, and propagation of selected species of native fish and wildlife, including migratory birds, that are threatened with extinction, and to consolidate, restate, and modify the present authorities relating to administration by the Secretary of the Interior of the National Wildlife Refuge System.

(b) A species or subspecies of native fish and wildlife shall be regarded as threatened with extinction whenever the Secretary of the Interior finds, after consultation with the States, that its existence is endangered because its habitat is threatened with destruction, drastic modification, or severe curtailment, or because of overexploitation, disease, predation, or because of other factors, and that its survival requires assistance.

SEC. 2 (a) The Secretary of the Interior shall utilize the land acquisition and other authorities of the Migratory Bird Conservation Act, as amended, the Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act to carry out a program in the United States of conserving, protecting, restoring, and propagating selected species of native fish and wildlife that are threatened with extinction.

(b) In addition to the land acquisition authorities in such Acts, the Secretary is hereby authorized to acquire by purchase, donation, or otherwise, lands or interests therein needed to carry out the purpose of this Act relating to the conservation, protection, restoration, and propagation of selected species of native fish that are threatened with extinction.

(c) Funds made available pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) may be used for the purpose of acquiring lands, waters, or interests therein pursuant to this section that are needed for the purpose of conserving, protecting, restoring, and propagating selected species of native fish and wildlife, including migratory birds, that are threatened with extinction.

(d) The Secretary shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purpose of this Act. The Secretary shall also encourage other Federal agencies to utilize, where practicable, their authorities in furtherance of the purpose of this Act.

SEC. 3. In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the several States, and he may enter into agreements with the States for the administration and management of any area established under this program for the conservation, protection, restoration, and propagation of threatened species of native fish and wildlife. Any revenues derived from the administration of such areas under these agreements will continue to be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s).

SEC. 4. (a) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary of the Interior for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section. Nothing contained in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest.

(b) In administering the System, the Secretary is authorized—

(1) to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations.

(2) to accept donations of funds and to use such funds to acquire or manage lands or interests therein, and

(3) to acquire lands or interests therein by exchange (a) for acquired lands or public lands under his jurisdiction which he finds suitable for disposition, or (b) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System: *Provided*, That the lands or interests therein so exchanged shall involve approximately equal values, as determined by the Secretary: *Provided further*, That the Secretary may accept cash from, or pay cash to, the grantor in an exchange in order to equalize the values of the properties exchanged.

(c) No person shall knowingly disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate animals or part of nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: *Provided*, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior to the effective date of this Act unless subsequently withdrawn under other authority of law: *Provided further*, That any mining claim affecting lands within the System hereafter perfected under the United States mining laws, and any patent issued for such claim, shall convey title only to the mineral deposits and shall confer upon the holder of the claim only such rights to the use of the surface and surface resources as are reasonably required for carrying on prospecting or mining, subject to such regulations as may be prescribed by the Secretary of the Interior; and the patent for any such mining claim hereafter perfected shall reserve to the United States all title to the surface of the claim and the products of the surface, subject only to the patentee's rights to use the surface of the claim and the surface resources to the extent reasonably required for carrying on prospecting and mining consistent with such regulations as may be prescribed by the Secretary.

(d) The Secretary is authorized, under such regulations as he may prescribe, to—

(1) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: *Provided*, That not to exceed 40 per centum at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be administered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe; and

(2) permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established or, if incompatible, are otherwise in the public interest.

(e) Any person who violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be fined not more than \$500 or be imprisoned not more than six months, or both.

(f) Any person authorized by the Secretary of the Interior to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations, and

may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the court.

(g) Regulations applicable to areas of the System that are in effect on the date of enactment of this Act shall continue in effect until modified or rescinded.

SEC. 5. (a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The terms "State" and the "United States" as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

SEC. 6. Section 4(b) of the Act of March 16, 1934 (48 Stat. 451), as amended (16 U.S.C. 718d(b)), is further amended by changing the colon after the word "areas" to a period and striking the provisos, which relate to hunting at certain wildlife refuges and which are now covered by section 4 of this Act.

SEC. 7. (a) Sections 4 and 12 of the Migratory Bird Conservation Act (45 Stat. 1222), as amended (16 U.S.C. 715c and 715k), are further amended by deleting the word "game" wherever it appears.

(b) Section 10 of the Migratory Bird Conservation Act (45 Stat. 1224), as amended (16 U.S.C. 715i), which relates to the administration of certain wildlife refuges, is amended to read as follows:

"SEC. 10. (a) Areas of lands, waters, or interests therein acquired or reserved pursuant to this Act shall, unless otherwise provided by law, be administered by the Secretary of the Interior under rules and regulations prescribed by him to conserve and protect migratory birds in accordance with treaty obligations with Mexico and Canada, and other species of wildlife found thereon, including species that are threatened with extinction, and to restore or develop adequate wildlife habitat.

"(b) In administering such areas, the Secretary is authorized to manage timber, range, and agricultural crops; to manage other species of animals, including but not limited to fenced range animals, with the objectives of perpetuating, distributing, and utilizing the resources; and to enter into agreements with public and private agencies."

(c) Section 11 of the Migratory Bird Conservation Act (45 Stat. 1224) (16 U.S.C. 715j) is amended by striking the period at the end thereof and adding the following: "(39 Stat. 1702) and the treaty between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936 (50 Stat. 1311)."

(d) Sections 13 and 14 of the Migratory Bird Conservation Act (45 Stat. 1225), as amended (16 U.S.C. 715l and 715m), which provide for the enforcement of said Act and for penalties for violations thereof and which are covered by section 4 of this Act, are repealed.

SEC. 8. (a) Sections 302 and 303 of title III of the Act of June 15, 1935 (49 Stat. 382), as amended (16 U.S.C. 715d-1 and 715d-2), which authorize exchanges at wildlife refuges and which are covered by section 4 of this Act, are repealed.

(b) The last sentence of section 401(a) of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s), is amended by inserting after the term "wildlife refuges", the following: "lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction."

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 15, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your request of June 25, 1965, for a report on H.R. 9424, a bill to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the

administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes.

This Department recognizes the desirability of the purposes of H.R. 9424 and would have no objection to its enactment.

H.R. 9424 would amend the Migratory Bird Conservation Act to include migratory nongame birds and would provide for a program to conserve, protect, restore, and propagate selected species of native fish and wildlife, including migratory birds, that are threatened with extinction.

The bill would also provide for the acquisition of lands to be administered by the Secretary of the Interior for such purposes with funds appropriated from the land and water conservation fund.

In redefining the "National Wildlife Refuge System" H.R. 9424 would add to the kinds of areas now administered by the Secretary of the Interior and comprising the present system lands acquired or reserved for administration by the Secretary of the Interior for the additional purposes covered by the bill.

Except for this Department's participation on the Migratory Bird Conservation Commission, which would approve the acquisitions relating to endangered species of migratory birds, the activities of this Department would not be directly affected by this bill.

This Department does, however, administer areas of national forest lands which have been withdrawn or designated for administration in a manner to protect recognized endangered species such as the California condor and the Kirtland's warbler. Also in recognition of the need to protect and conserve endangered species of birds, mammals, and fishes, this Department carries out certain special management practices on land and water areas to provide and protect key habitat for their breeding, feeding, and survival.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

[Ex. Com. 1222]

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 5, 1965.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes. Also, enclosed is a section-by-section analysis of the bill.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The principal objective of this proposed legislation is to authorize and direct the Secretary of the Interior to initiate and carry out a comprehensive program to conserve, protect, restore, and, where necessary to establish wild populations, propagate selected species of native fish and wildlife, including game and nongame migratory birds, that are found to be threatened with extinction. These include various species and subspecies of mammals, birds, fish, and other vertebrate animals that have very small populations and that could be quickly wiped out by adverse changes in environmental factors or by man.

A secondary objective of the proposed bill is to consolidate, and, in some cases, expand the authorities of the Secretary relating to the management and administration of the national wildlife refuge system and to provide sanctions and enforcement provisions designed to protect the needs of fish and wildlife conservation in all areas of the system, including areas acquired or reserved for endangered—that is, threatened with extinction—species of fish and wildlife, and to permit other compatible uses through secretarial regulations.

In addition, the bill amends the Migratory Bird Conservation Act for the principal purpose, among others, of removing an ambiguity in the act relating

to the authority of the Secretary to acquire sanctuaries for any species of migratory birds, including "game" or "nongame" migratory birds. Our treaties with Canada and Mexico are not restricted to the protection of migratory game birds. It is the purpose of the Migratory Bird Conservation Act to conserve all species of treaty protected migratory birds.

One of the unfortunate results of economic growth in the United States has been the extermination of some wildlife. Since the settlement of the 50 States, some 24 birds and 12 mammals native to the United States and Puerto Rico have become extinct. Examples are the passenger pigeon, heath hen, Carolina parakeet, spotted Hawaiian rail, eastern elk, Texas and California grizzly bears, and the badlands bighorn sheep. These animals are gone forever from the face of the earth. They will be joined before very long by some 35 kinds of mammals and 30 to 40 birds unless special conservation efforts to acquire and maintain sufficient habitats for them are initiated.

Island faunas have been most vulnerable to decimating factors. A number of animals have vanished from Hawaii and Puerto Rico and from various islands under American jurisdiction, and other animals are presently endangered there.

This Department has studied the problem of vanishing wildlife for many years to determine the best devices for providing and protecting habitat for species now threatened with extinction so that these animals may be available for future generations. The Department of Agriculture has also been active in this field. Special efforts, accompanied in some cases by special acts of Congress, have been and are continuing to be made by this Department and other Federal agencies, conservation organizations, and some State fish and game departments to save such threatened species or subspecies as the whooping crane, trumpeter swan, prairie chicken, California condor, Kenai moose, Kodiak bear, Key deer, fur seal, and American bison, by providing refuge areas. Similar protection is needed for other threatened species to insure against disturbance, depletion of food and habitat, and other adverse factors.

Our proposal will provide this protection.

The Land and Water Conservation Fund Act of 1965 expressly makes the fund available for the acquisition of land for the preservation of species of fish and wildlife that are threatened with extinction when the land acquisition is otherwise authorized by law. Thus, we will be able to use the fund in carrying out our endangered species program under this legislation. Land acquisition could also be financed, in the case of migratory birds, from the migratory bird conservation fund and, in the case of other endangered wildlife, from funds made available pursuant to the Fish and Wildlife Act of 1956. All other expenses that may be incurred in administering a program for the protection and conservation of threatened species of fish and wildlife will be financed through general appropriations and, in some cases, through donations. It will be the policy of this Department to finance land acquisitions for the endangered species program from the land and water conservation fund wherever possible.

The proposed legislation follows one of the recommendations on endangered wildlife of the First World Conference on National Parks, held in Seattle in 1962. The recommendation stated:

"The First World Conference on National Parks recommends that for every kind of animal or plant threatened with extinction an appropriate area of natural habitat be provided in a national park, wildlife refuge, wilderness area, or equivalent reserve to maintain an adequate breeding population, and takes the view that any species so threatened which is not accorded such official sanctuary proclaims the failure of the Government concerned to recognize its responsibility to future generations of mankind."

The proposed legislation will also advance the objectives of the Inter-American Treaty on Nature Protection and Wildlife Preservation, 1940, which was proclaimed by the President on April 30, 1942 (56 Stat. 1354). Under this agreement the governments of the American Republics agreed on the desirability of protecting in their native habitat representatives of all species of their native flora and fauna, including migratory birds, in sufficient numbers and over areas extensive enough to prevent them from becoming extinct due to any factor within man's control. They further agreed on the need to establish nature reserves for the protection of individual species of flora and fauna.

As required by the act of July 25, 1956 (70 Stat. 652), the enclosed statement has been prepared concerning the estimated additional man-years of

civil employment and expenditures for the first 5 years of the program to which our proposal relates.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

A BILL To provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that one of the unfortunate consequences of economic growth in the United States has been the extermination of some native species of fish and wildlife; that serious losses in other species of native wild animals with educational, historical, recreational, and scientific value have occurred and are occurring; and that the United States has an obligation pursuant to international agreements, such as the Migratory Bird Treaties and the Inter-American Treaty on Nature Protection and Wildlife Preservation, 1940, with Canada and Mexico and other countries to conserve and protect, where practicable, the various species of native fish and wildlife, including game and non-game migratory birds, that are threatened with extinction. The purposes of this Act are to provide a program for the conservation, protection, restoration, and propagation of selected species of native fish and wildlife, including migratory birds, that are threatened with extinction, and to consolidate, restate, and modify the present authorities relating to administration by the Secretary of the Interior of the National Wildlife Refuge System.

(b) A species or subspecies of native fish and wildlife shall be regarded as threatened with extinction whenever the Secretary of the Interior finds, after consultation with the States, that its existence is endangered because its habitat is threatened with destruction, drastic modification, or severe curtailment, or because of over-exploitation, disease, predation, or because of other factors, and that its survival requires assistance.

SEC. 2. (a) The Secretary of the Interior shall utilize the land acquisition and other authorities of the Migratory Bird Conservation Act, as amended, the Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act to carry out a program in the United States of conserving, protecting, restoring, and propagating selected species of native fish and wildlife that are threatened with extinction.

(b) In addition to the land acquisition authorities in such Acts, the Secretary is hereby authorized to acquire by purchase, donation, or otherwise, lands or interests therein needed to carry out the purpose of this Act relating to the conservation, protection, restoration, and propagation of selected species of native fish that are threatened with extinction.

(c) Funds made available pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) may be used for the purpose of acquiring lands, waters, or interests therein pursuant to this section that are needed for the purpose of conserving, protecting, restoring, and propagating selected species of native fish and wildlife, including migratory birds, that are threatened with extinction.

(d) The Secretary shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purpose of this Act. The Secretary shall also encourage other Federal agencies to utilize, where practicable, their authorities in furtherance of the purpose of this Act.

SEC. 3. In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the several States, and he may enter into agreements with the States for the administration and management of any area established under this program for the conservation, protection, restoration, and propagation of threatened species of native fish and wildlife. Any revenues derived from the administration of such areas under these agreements will continue to be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s).

SEC. 4. (a) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary of the Interior

for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section. Nothing contained in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest.

(b) In administering the System, the Secretary is authorized—

(1) to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations.

(2) to accept donations of funds and to use such funds to acquire or manage lands or interests therein, and

(3) to acquire lands or interests therein by exchange (a) for acquired lands or public lands under his jurisdiction which he finds suitable for disposition, or (b) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System: *Provided*, That the lands or interests therein so exchanged shall involve approximately equal values, as determined by the Secretary: *Provided further*, That the Secretary may accept cash from, or pay cash to, the grantor in an exchange in order to equalize the values of the properties exchanged.

(c) No person shall knowingly disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: *Provided*, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior to the effective date of this Act unless subsequently withdrawn under other authority of law: *Provided further*, That any mining claim affecting lands within the System hereafter perfected under the United States mining laws, and any patent issued for such claim, shall convey title only to the mineral deposits and shall confer upon the holder of the claim only such rights to the use of the surface and surface resources as are reasonably required for carrying on prospecting or mining, subject to such regulations as may be prescribed by the Secretary of the Interior; and the patent for any such mining claim hereafter perfected shall reserve to the United States all title to the surface of the claim and the products of the surface, subject only to the patentee's rights to use the surface of the claim and the surface resources to the extent reasonably required for carrying on prospecting and mining consistent with such regulations as may be prescribed by the Secretary.

(d) The Secretary is authorized, under such regulations as he may prescribe, to—

(1) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: *Provided*, That not to exceed 40 percent at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be administered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe; and

(2) permit the use of, or grant easements in, over, across, upon, through, or under any area within the System for purposes such as, but not necessarily limited to, power lines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established or, if incompatible, are otherwise in the public interest.

(e) Any person who violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder, shall be fined not more than \$500 or be imprisoned not more than six months, or both.

(f) Any person authorized by the Secretary of the Interior to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations, and may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States Marshal, and upon conviction, shall be forfeited to the United States and disposed of by the court.

(g) Regulations applicable to areas of the System that are in effect on the date of enactment of this Act shall continue in effect until modified or rescinded.

SEC. 5. (a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The terms "State" and the "United States" as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

SEC. 6. Section 4(b) of the Act of March 16, 1934 (48 Stat. 451), as amended (16 U.S.C. sec. 718d(b)), is further amended by changing the colon after the word "areas" to a period and striking the provisos, which relate to hunting at certain wildlife refuges and which are now covered by section 4 of this Act.

SEC. 7. (a) Sections 4 and 12 of the Migratory Bird Conservation Act (45 Stat. 1222), as amended (16 U.S.C. 715c and 715k), are further amended by deleting the word "game" wherever it appears.

(b) Section 10 of the Migratory Bird Conservation Act (45 Stat. 1224), as amended (16 U.S.C. 715i), which relates to the administration of certain wildlife refuges, is amended to read as follows:

"Sec. 10. (a) Areas of lands, waters, or interests therein acquired or reserved pursuant to this Act shall, unless otherwise provided by law, be administered by the Secretary of the Interior under rules and regulations prescribed by him to conserve and protect migratory birds in accordance with treaty obligations with Mexico, and Canada, and other species of wildlife found thereon, including species that are threatened with extinction, and to restore or develop adequate wildlife habitat.

"(b) In administering such areas, the Secretary is authorized to manage timber, range, and agricultural crops; to manage other species of animals, including but not limited to fenced range animals, with the objectives of perpetuating, distributing, and utilizing the resources; and to enter into agreements with public and private agencies."

(c) Section 11 of the Migratory Bird Conservation Act (45 Stat. 1224) (16 U.S.C. 715j) is amended by striking the period at the end thereof and adding the following: "(39 Stat. 1702) and the treaty between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936 (50 Stat. 1311)."

(d) Sections 13 and 14 of the Migratory Bird Conservation Act (45 Stat. 1225), as amended (16 U.S.C. 715l and 715m), which provide for the enforcement of said Act and for penalties for violations thereof and which are covered by section 4 of this Act, are repealed.

SEC. 8. (a) Sections 302 and 303 of Title III of the Act of June 15, 1935 (49 Stat. 382), as amended (16 U.S.C. 715d-1 and 715d-2), which authorize exchanges at wildlife refuges and which are covered by section 4 of this Act, are repealed.

(b) The last sentence of section 401(a) of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. sec. 715s), is amended by inserting after the term "wildlife refuges", the following: "lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction."

SECTION-BY-SECTION ANALYSIS

A BILL To provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes

Section 1

Subsection (a) contains congressional findings: first, that technological advances of man, among other things, have resulted in the extermination of some native wild animals; second, that a serious depletion of other species of native wild animals is now and has been occurring; and third, that the United States has certain treaty obligations to protect and conserve our endangered species of fish and wildlife. Congress then declares that the purposes of this act are to initiate and carry out a comprehensive program for the protection, conservation, and propagation of selected species of native fish and wildlife that are endangered—that is, threatened with extinction—and to consolidate, restate, and modify the laws relating to administration of the national wildlife refuge system.

Subsection (b) provides a means for determining the species of fish and wildlife, including migratory birds, that are regarded as threatened with extinction. The Secretary of the Interior must first make specific findings, after consulting with the interested States, as to each species of fish and wildlife that is endangered.

Section 2

Subsection (a) directs the Secretary to carry out a program of conserving, protecting, restoring, and propagating selected species of native fish and wildlife that are endangered using the broad authorities of the Migratory Bird Conservation Act, as amended (16 U.S.C. 715 et seq.), the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). These acts contain broad authorities for, among other things, research, studies, and land acquisition. The Fish and Wildlife Act of 1956 authorizes the acquisition of refuge lands for the conservation and protection of wildlife. The Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 et seq.), authorizes the Secretary of the Interior to acquire lands in connection with water-resource projects for the conservation and protection of fish and wildlife. This authority is limited, however, to water-resource projects. The costs of such acquisition are project costs and will continue to be so under this bill. The Migratory Bird Conservation Act, as amended (16 U.S.C. 715 et seq.), authorizes the Secretary of the Interior to acquire areas approved for acquisition by the Migratory Bird Conservation Commission for use as inviolate sanctuaries for migratory game birds. All of these acts are sufficiently broad in scope to include endangered species of fish and wildlife.

Subsection (b) provides new authority to acquire lands for the protection and conservation of endangered species of fish, which is not limited to water-resources projects.

Subsection (c) specifically authorizes the Secretary of the Interior to use funds made available from the recently enacted Land and Water Conservation Fund Act of 1965 to acquire refuges for threatened species of fish and wildlife, including migratory birds. This provision, however, will not limit the Department's existing authority to purchase lands or interests therein, in the case of migratory birds that are endangered, with funds made available from the migratory bird conservation fund and, in the case of other endangered wildlife, with appropriations made available pursuant to the Fish and Wildlife Act of 1956.

Subsection (d) directs the Secretary to utilize other programs that are administered by him for purposes that include fish and wildlife, in carrying out an endangered species program. He is also directed to encourage other Federal agencies to utilize their authorities for the purpose of this act.

Section 3

This section directs the Secretary to cooperate with the States in carrying out the new program authorized by this act. It also authorizes cooperative agreements that provide for the management by the States of areas established to carry out the program where the Secretary finds that such management is desirable. Any revenues derived from the management of such areas will be disposed of in the same manner as other revenues under recently amended refuge sharing legislation.

Section 4

This section consolidates and clarifies existing authorities of the Department of the Interior for the administration and management of the various areas that comprise the national wildlife refuge system, and in some cases expands this authority.

Subsection (a) names the five types of areas that now constitute the national wildlife refuge system, and that are named in the Revenue Sharing Act of August 30, 1964 (78 Stat. 701), and adds a sixth type: areas for the protection of threatened species of fish and wildlife. All of the provisions of this section will apply to the system.

Subsection (a) specifically continues the present authority of the Secretary of the Interior to amend, revoke, or modify existing public land withdrawals affecting the system whenever he determines that such action is in the public interest. The Department, through the joint efforts of the Bureau of Land Management and the Fish and Wildlife Service, is reviewing the present status of the public lands which are included in the system to determine whether any of them should be managed on multiple-use principles under the general public land laws that apply to the bulk of the public domain. Due consideration in the study will be given to all pertinent factors, such as ecology, wildlife needs, priorities of use, and the relative values of the various resources in particular areas.

Some of the areas included within the term "national wildlife refuge system" are now jointly administered pursuant to cooperative agreements between this Department and various Federal agencies. The bill does not portend any different policies, practices, or procedures from those now being pursued.

Subsection (b) authorizes the Secretary of the Interior to enter into negotiated contracts for public accommodations. The Department's present authority for concession contracts is derived from section 401 of the act of June 15, 1935, as amended (16 U.S.C. 715s), which provides for the disposition of receipts from various activities, including concession contracts. The bill provides express authority for such contracts and will be helpful in carrying out the provisions of the act of September 28, 1962 (16 U.S.C. 460k-460k-4), which authorizes the Secretary to administer the areas within the system for public recreation.

Subsection (b) also provides new authority for the Secretary to accept donated funds and to use them for acquiring lands for the national wildlife refuge system, or for managing the system. On numerous occasions donations of funds for the purchase of wet lands or other types of land for migratory birds have been received, but adequate authority to accept donations has been lacking. In the case of the Great Swamp area in New Jersey, a group of public-spirited individuals were willing to acquire the needed lands and then to donate them to the United States. Not many persons or organizations are willing or able to assume this "chore." It seems only good business and in keeping with the intent of the fish and wildlife acquisition authorities of this Department that clear authority be granted to accept donations of money to buy land.

Subsection (b) authorizes the Secretary to acquire lands or interests therein for the system by exchange (1) for acquired or public lands under his jurisdiction, or (2) for the right to remove products, such as hay or timber, from the acquired or public lands within the system. The exchanges must be of approximately equal value. If they are not of approximately equal value, the bill authorizes the Secretary to receive from, or pay cash to, the grantor to equalize the values of the properties to be exchanged. Similar authority has existed since 1935 under the act of June 15, 1935 (49 Stat. 382), as amended (16 U.S.C. 715d-1 and 715d-2), in connection with the administration of wildlife refuges. The bill broadens the authority to make it available to all areas of the system.

Subsection (c) prohibits specified activities on any area of the system, including but not limited to the destruction or removal of Federal property and the taking of fish and wildlife by any person, unless such activities are permitted either under subsection (d) of this section, or under the expressed provisions of some other law, proclamation, Executive order, or public land order establishing the area. This latter exception recognizes that in some cases the authority, including any amendments thereto, under which an area of the system was established expressly permits certain otherwise prohibited activities, such as the act of August 5, 1957 (61 Stat. 770), which transferred to this Department certain lands in Illinois known as the Crab Orchard National Wildlife Refuge.

Subsection (c) prohibits from the date of its enactment, subject to the above-mentioned exceptions, a person from entering, using, or otherwise occupying any area of the system for any purpose, including mining or mineral leasing. In the case of the public lands that are withdrawn from all forms of appropri-

tion under the public land laws except the U.S. mining and mineral leasing laws, the proposal continues to make the mining and mineral leasing laws and the regulations issued thereunder applicable to these areas unless, of course, such lands are subsequently withdrawn by the Secretary of the Interior from the operation of these laws. In the case of mining locations, surface use of the land will be governed by regulations issued by the Secretary, subject to valid existing rights. When patents are issued title to the surface will be reserved to the United States, subject to reasonable use to carry on prospecting and mining.

In the case of mineral leases, the discretionary authority of the Secretary will be exercised only upon a finding that mineral leasing will be compatible with the purposes of the wildlife system. This is the situation both under this subsection and under present policy.

Subsection (d)(1) authorizes the Secretary to permit, in his discretion, the use of any area within the system for public hunting, fishing, trapping, recreation and accommodations, and access, when such activities are found to be compatible with the purposes for which such areas were established, including management thereof. Other multiple uses would be permitted, as is the case under present authority, where such uses are compatible with the purposes for which these areas were established or, if not compatible, are otherwise in the public interest as determined by the Secretary of the Interior.

Subsection 4(b) of the Migratory Bird Hunting Stamp Act, as amended (16 U.S.C. sec. 718(d)), restricts the present authority of the Secretary to permit hunting of game birds within some parts of the system. The restriction is that not more than 40 percent of the portion of an area reserved as an inviolate sanctuary for migratory birds may be opened to the hunting of migratory game birds or resident species thereof at any time. Subsection (d)(1) limits this restriction to the hunting of migratory game birds, which is consistent with the purpose of the Migratory Bird Conservation Act. That act was not primarily intended to protect resident game birds. Neither the present law nor this revision applies to wild animals other than game birds.

It has long been recognized by the courts that the Federal Government has the authority, by reason of its proprietary interest, to regulate hunting and fishing on all Federal refuges and other areas within the system, and to protect and manage these areas. Hunting and fishing within the system will continue to be regulated within the framework of State regulations.

Subsection (d)(2) authorizes the Secretary to permit, in his discretion, other uses of the areas within the national wildlife refuge system for purposes that he finds are compatible with our management of the system. These uses would be permitted either through the issuance of licenses or permits or the granting of easements, whichever is most appropriate. In either case, the Secretary is authorized to issue regulations necessary to govern such uses.

These regulations could include provisions making the grantee or permittee liable for damages and saving the Government harmless from the use of such areas: requiring the payment of the fair market value of any easement or permit; providing for termination or forfeiture on the happening of certain events; providing for the grant of easements or permits with or without limitation as to term; and providing that the grantees or permittees shall comply with all applicable Federal laws and regulations. In specific cases the Secretary could include such other terms and conditions as he finds necessary to manage these uses.

Subsection (e) provides penalties applicable to the entire national wildlife refuge system.

Subsection (f) provides enforcement authority, including authority to make arrests, in protecting the various areas that comprise the system.

Subsection (g) is a technical provision which continues the regulations now applicable to the various areas of the system until modified or rescinded by the Secretary.

Section 5

This section defines the various terms used in the bill.

Section 6

As indicated above, section 4(d)(1) restates the present limitations on the hunting of migratory birds on areas acquired or reserved as inviolate sanctuaries. Accordingly, section 6 of the proposal is a technical amendment which repeals the provision in the Migratory Bird Hunting Stamp Act (Duck Stamp Act) which now contains these limitations.

Section 7

This section amends the Migratory Bird Conservation Act in several respects.

Subsection (a) removes the word "game" from sections 4 and 12 of the Migratory Bird Conservation Act. This is a technical amendment. The word does not appear in any other section of the act, and the act was not intended to restrict the migratory bird acquisition program to "game" birds. This amendment will permit the program to include all forms of threatened species of migratory birds.

Subsection (b) amends the present section 10 of the Migratory Bird Conservation Act. The revised section 10 directs the Secretary of the Interior to administer the lands acquired or reserved pursuant to that act in a manner that, among other things, will conserve and protect migratory birds and other species of wildlife found thereon. Where the administration of an area that has been acquired or reserved pursuant to the Migratory Bird Conservation Act is prescribed by some other provision of law, such as in the case of those lands within the Klamath Federal reclamation project, which are administered pursuant to the act of September 2, 1964 (78 Stat. 850), this new section 10 will not apply.

Subsection (c) is technical. It amends the Migratory Bird Conservation Act to include in the definition of the term "migratory birds" those birds that are defined in the treaty between the United States and Mexico which was concluded in 1936. Presently, the act refers only to the earlier treaty with Great Britain (for Canada).

Subsection (d) repeals the present sections of the Migratory Bird Conservation Act which provide for the enforcement of said act and for penalties for violations thereof. These enforcements and penalty provisions are now covered by section 4 of the bill.

Section 8

Subsection (a) repeals the provisions of law which now authorize the Secretary of the Interior to acquire lands for wildlife refuges by exchange. A broader exchange authority applicable to the entire system is found in section 4 of the bill.

Subsection (b) is a technical amendment to make the provisions of the recently amended "Revenue Sharing Act" applicable to the areas established to protect and conserve all forms of fish and wildlife that are endangered.

DEPARTMENT OF THE INTERIOR

Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs to protect species of fish and wildlife that are rare or threatened with extinction

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated additional man-years of civilian employment:					
Executive direction.....	0	0	0	0	0
Administrative services and support:					
Miscellaneous.....	0	3	4	5	5
Total, administrative services and support.....	0	3	4	5	5
Substantive (program):					
Biologists ¹	8	15	22	28	33
Engineers ¹	9	24	26	24	24
Negotiators and appraisers ¹	8	20	20	20	20
Maintenance and management ¹		13	30	45	58
Total, substantive.....	25	72	98	117	135
Total, estimated additional man-years of civilian employment.....	25	75	102	122	140
Estimated additional expenditures:					
Personal services.....	\$250,000	\$780,000	\$1,082,000	\$1,310,000	\$1,515,000
All other.....	2,994,000	3,170,000	3,170,000	3,035,000	3,005,000
Total, estimated additional expenditures.....	3,244,000	3,950,000	4,252,000	4,345,000	4,520,000

¹ Includes supporting personnel.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 15, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 9424, a bill "To provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes."

This legislation would authorize and direct the Secretary of the Interior to initiate and carry out a comprehensive program to conserve, protect, restore, and propagate selective species of native fish and wildlife that are found by him to be threatened with extinction. In addition, the bill would modify the Secretary of the Interior's authority over the administration of the national wildlife refuge system.

This bill was introduced at the request of the Department of the Interior. Since the objectives of the measure do not come within the scope of the activities of this Department, we defer to the views of the Department of the Interior.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

DEPARTMENT OF STATE,
Washington, July 14, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of June 25, 1965, requested the Department's comments on H.R. 9424, a bill to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes.

Certain features of the bill involve conservation treaties between the United States and other countries. The Department believes that the proposals in the bill which pertain to our international organizations are worthwhile and are in accord with the objective of our treaties on the subject. In fact, it is particularly fitting that a reaffirmation should be made at this time of our intention to pursue our obligations under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, 1940. The Organization of American States has recently decided to convoke an Inter-American Specialized Conference to Deal With Problems Relating to Renewable Natural Resources in the Western Hemisphere. The Conference will be held in Mar del Plate, Argentina, from October 4 to 8, 1965. One of the major subjects to be discussed is methods for implementing the 1940 Convention.

Accordingly the Department would interpose no objection to the proposed bill.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

Mr. DINGELL. We are honored and delighted to have our acting chairman of the full committee with us this morning. He has authored one of the bills under consideration today. Congressman Garmatz, would you care to make a statement on your bill, H.R. 9493?

**STATEMENT OF HON. EDWARD A. GARMATZ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MARYLAND**

Mr. GARMATZ. Mr. Chairman, may I take this opportunity to thank you for allowing me to make a brief statement before the Subcommittee on Fisheries and Wildlife Conservation in support of my bill, H.R. 9493, and H.R. 9424, an identical bill introduced by one of our distinguished former colleagues, T. A. Thompson.

Over the years, I have become increasingly concerned over the considerable number of birds and mammals native to the United States which have become extinct.

In the past, endangered species have been protected by special acts of Congress. H.R. 9493 and H.R. 9424 would eliminate the necessity of having to come before the Congress each time a native species is threatened, by authorizing the Secretary of the Interior to initiate a comprehensive program to conserve, protect, and propagate native species of fish and wildlife, including game and nongame migratory birds, that are threatened with extinction.

As you are well aware, we have obligations under international treaties with Mexico and Canada to protect and conserve native species of fish and wildlife, including migratory birds. This legislation would be most helpful in fulfilling these obligations.

Mr. Chairman, unless appropriate action is taken in due time, other species now endangered will soon disappear forever from the face of our earth. I sincerely hope the subcommittee will take immediate action and adopt this legislation, which would be a great step forward in protecting and restoring these threatened species.

Mr. DINGELL. Thank you, Congressman, for a fine statement. We appreciate your appearance before this subcommittee on such a vital issue.

Now, the Chair will note the Secretary of the Interior is due here around 11 or 11:15, so we will take witnesses a little out of what would be the usual order.

Off the record.

(Discussion off the record.)

Mr. DINGELL. On the record.

With that, the Chair is very happy to welcome an old friend and distinguished conservationist, Mr. Charles Callison, assistant to the president of the National Audubon Society.

Mr. Callison, the Chair is indeed happy to welcome you.

**STATEMENT OF CHARLES CALLISON, ASSISTANT TO THE
PRESIDENT, NATIONAL AUDUBON SOCIETY**

Mr. CALLISON. Thank you, Mr. Chairman, and distinguished members of the subcommittee.

My name is Charles H. Callison, assistant to the president of the National Audubon Society, a national conservation organization which has headquarters at New York City.

Our society has been looking forward to the introduction of this bill, and we are pleased and honored to have the opportunity to support

it. We think it proposes a logical and long overdue broadening of the purposes and authority of the U.S. Fish and Wildlife Service.

The migratory bird treaties with Canada and Mexico contemplated, and in fact obligated the Federal responsibility of the United States for the protection and conservation of all the migratory birds named in the treaties. However, due to an ambiguity or oversight in the drafting of the Migratory Bird Treaty Act and other laws spelling out that responsibility, there has always been doubt that authority existed for the acquisition and management of lands for the benefit of the nongame species.

Among the migratory birds, there are far more of the nongame than game species. Many of the nongame species are of economic importance because of their recreational value and their insectivorous habits.

All are important for esthetic and scientific reasons. Some are in dire need for special research and conservation measures. So are some important species that were not included in the treaty listings of migratory species, although they are in fact migratory.

I refer to such forms as the peregrine falcon, the osprey, the bald and golden eagles, and some of the other beleaguered birds of prey, as well as pelicans, ibises, and kites.

The National Audubon Society has at times been critical of the Bureau of Sport Fisheries and Wildlife in a friendly way for manifestations of a narrow preoccupation with the game species. We recognize the recreational value of hunting and the economic aspects of the business of supplying the needs of hunters.

We also recognize, and applaud the fact, that waterfowl hunters have contributed more funds, through their purchase of duck stamps, than any other group to the acquisition of lands for the National Wildlife Refuges. Many Audubon members are themselves duck hunters and purchasers of duck stamps.

However, the general public contributes most of the rest of the funds for the Bureau's operations through the general tax revenues, and now the general public will contribute additional amounts through the channels of the Land and Water Conservation Fund Act.

The general public is interested in all kinds of wildlife; not just the game species. So we view this legislation as a long and significant step in the right direction.

Why spend money and make extraordinary public efforts to prevent the extinction of a species such as the California condor, now down to a remnant population of about 40 birds; or the blackfooted ferret, which may be our rarest mammal, and which will never be seen by more than a mere handful of people; or the humpback chub, a rare species of minnow found only in a few unspoiled tributaries of the Upper Colorado Basin; or the devil's-hole pupfish, which I never even heard of until the current study of endangered species began and which is said to inhabit only a single, spring-fed pool in Nevada? Why bother with them?

There are several important reasons.

The esthetic and scientific interest in any species increases, one might say as an axiom, in geometric proportion to its scarcity. Scientists and bird watchers will travel halfway around the world to see and study a bird as rare as the condor or the whooping crane. They would hardly cross the street to see a starling or a house sparrow.

The scientific value is quite real, and, in a sense, immeasurable. Every living species, however common or rare, must be considered a storehouse of undiscovered knowledge of as yet unknown importance in the sciences of biology and ecology. That is why scientists cry in alarm when, through man's ignorance or cupidity or neglect, any rare plant or animal is threatened with extinction.

The National Audubon Society, which has specialized for over half a century in the study and preservation of rare wildlife, could not write a more discerning justification of the purposes of this bill than the authors of a leaflet entitled "Survival or Surrender for Endangered Wildlife" that was recently published by the Bureau of Sport Fisheries and Wildlife.

Although I may be stealing some of the thunder of the Department of the Interior spokesmen who will testify here today I should like to quote a few paragraphs from this leaflet:

Suppose the last whooping crane quietly gave up the struggle for survival in some lonely marsh. Would it make any difference to you? Chances are that you'll never see a live one anyhow—millions of Americans never will. Why worry? The same may be said of many other rare or endangered species of wildlife. What are the values of these creatures? Why spend time and effort to save them? * * *

As the numbers of a wildlife species grow fewer, their true value grows greater, for in the few are concentrated all the worth of one small but valuable part of our whole world.

History is replete with examples of evolution and change, a matter of considerable import to mankind as an indication or insight into his own future. Threatened species are visible indicators of some of the changes that are often so subtle as to be otherwise unnoticed and therefore unmeasured.

Nothing is surer than death and extinction, but the death of a species can be postponed longer than that of an individual. Man's wisdom and experience have not been extensive enough to grasp the full significance of the loss of a species of wildlife. Each occupies a niche and makes a contribution to the whole of life. The biological impact of forever removing a species from the environment may not always be readily discernible, but something of value has been lost.

Why feel concern for the whooping cranes?

Because they are still there.

Many years ago the board of directors of the National Audubon Society composed and adopted a statement of Audubon philosophy as a general expression of guiding policy for our society. This statement appears in full in my own statement, Mr. Chairman, but I should like to point out one pertinent paragraph. It is the fifth one:

We condemn no wild creature and work to assure that no living species shall be lost.

Mr. Chairman, we heartily endorse the purposes of this bill. We endorse nearly all its language. We believe it can be improved and strengthened by the addition of a few small amendments.

On page 5, line 10, of H.R. 9424, we recommend the following amendment:

Delete the period after the word "accommodations" and add—

when, and in such locations, and to the extent that the Secretary shall determine will not be inconsistent with the primary purpose for which the affected area was established.

With an aggressive Bureau of Outdoor Recreation now looking over its shoulder, the Bureau of Sport Fisheries and Wildlife needs clear statutory directives to help it resist the pressures that seek to turn every wildlife refuge into a center for mass, public recreation.

We do not condemn the Bureau of Outdoor Recreation for being aggressive. We expect them to do their job. But at the same time, we must continue to insist that the true purpose of a national wildlife refuge or a national game range is not to provide public recreation, but to provide for the conservation of wildlife resources.

These areas were not established to furnish sites for campgrounds, picnic areas, boat launching ramps, airports, parking lots, scenic highways, motels, and restaurants, or any of the other paraphernalia associated with the current public clamor for recreational "accommodations." We must not permit the wildlife refuges to be turned into a chain of Coney Islands and Jones Beaches where the management feels it must pander to every whim and fad of the weekend recreationist and beer-toting motorist.

The amendment that we recommend above would help hold the line.

We also recommend inserting the words "or invertebrate" in three places:

1. Between the words "vertebrate" and "animals" in line 5 on page 6.
2. Between the words "vertebrate" and "animals" in line 19, on page 8.
3. And between the words "vertebrate" and "animals" in line 22 on page 8.

These amendments would empower the Secretary to regulate some important invertebrate forms of wildlife within the units of the National Wildlife Refuge System, some of which could conceivably become endangered species.

The forms we have particularly in mind are the mollusks, or shellfishes—oysters, clams, fresh water mussels, and others—and the crustaceans—shrimp, lobsters, crabs, and crayfish.

Finally, we recommend the deletion of the word "migratory" in line 20 on page 7. This, in effect, would keep the present statutory provision which limits to 40 percent the area which may be open for any shooting within any refuge which was established as a sanctuary for migratory birds.

There is a sound reason for the existing limitation. One of the primary functions of a migratory bird refuge is to provide resting and feeding areas where the birds will be free from disturbance.

Such a condition of undisturbed sanctuary could not be provided if all or most of a refuge were thrown open to the shooting of any or all kinds of resident game. The existing 40-percent provision provides ample flexibility for the harvest of resident species when such harvest is desirable for wildlife management purposes.

If the committee sees fit to approve this amendment, deleting the word "migratory" in line 20; then section 6, all of lines 17 through 22 on page 9, should also be deleted, and the sections that follow should be renumbered accordingly.

Thus amended, H.R. 9424 would be excellent legislation. We respectfully recommend a favorable report by this subcommittee and by the full Committee on Merchant Marine and Fisheries.

Thank you, Mr. Chairman, for the privilege of appearing before you and for this opportunity to present our views.

Mr. DINGELL. You made a very fine statement, as usual, this morn-

ing, Mr. Callison. The committee is indeed grateful to you for your presence and your help.

Mr. Pelly?

Mr. PELLY. Mr. Chairman, I do not think I have any questions. I would like to say I agree with you that Mr. Callison has certainly given this bill a good boost, and we are glad to have his testimony in the record. It will be very helpful.

Mr. CALLISON. Thank you, Mr. Pelly.

Mr. DINGELL. Mr. Tuten?

Mr. TUTEN. No questions.

Mr. DINGELL. Mr. Reinecke?

Mr. REINECKE. Mr. Callison, are you aware of any part of this bill that may cause any conflict or any interference with any State hunting or fishing laws?

Mr. CALLISON. No, I am not aware there would be any conflict in any place.

It has been the practice when a portion within the 40-percent limitation of a national wildlife refuge is open for hunting, this is done within the framework of the State game and fish laws, and I do not anticipate any change in that policy.

Mr. REINECKE. Your testimony, then, is in full compliance with the existing relationship of the State fish and game laws?

Mr. CALLISON. Yes.

Mr. REINECKE. Thank you.

No further questions.

Mr. DINGELL. Mr. St. Onge?

Mr. ST. ONGE. No questions.

Mr. PELLY. Mr. Chairman, could I ask Mr. Callison a question I just thought of?

What was the ultimate result of legislation which this committee passed out with regard to protection of the polar bear? Did that die in the other body?

Mr. CALLISON. It died somewhere along the line, sir. It was never passed, never enacted. I cannot recall now if it passed the House, but I believe it did.

Mr. PELLY. I think this bill met some strong opposition from those individuals who take hunters out, and I just wondered whether or not under this legislation some protection for the polar bear could be included.

Mr. CALLISON. It would be, I am sure, if polar bears should become an endangered species.

Now, nobody knows what the true situation is with respect to the population of the polar bear and its migratory movements.

As I recall, the chief opposition to that legislation came from the State of Alaska, which then was new in statehood, and asserted that it could manage the polar bear problem. It was nothing to worry about, the Alaskans said. They knew there were plenty.

Mr. PELLY. Did we not amend it to provide that the protection of the polar bear would be outside the territorial limit?

Mr. CALLISON. Yes, it was written so as to apply, as I recall, outside the State's territorial limits. But still they took the attitude that this is something Alaska should manage and can take care of.

I think now there is greater apprehension about the polar bear in the State of Alaska, and Senator Bartlett, of Alaska, and others have urged that there be an international conference to get down to the facts about the species. I think actually such a conference is now being arranged.

Mr. PELLY. Does that include the walrus, too?

Mr. CALLISON. I believe the walrus was included in that legislation, but I think the proposed international conference relates just to the polar bear.

The gentlemen who are here to testify for the Department of the Interior I am sure have been working on that and can give you more accurate information about it than I.

Mr. PELLY. Well, the point that I was seeking information on, I think you answered, in that this legislation could be used to give relief not only to migratory birds, but also animals.

Mr. CALLISON. That is right. It clearly includes wild mammals that are endangered species, and also fish.

And we recommend in our statement with respect to the management of the refuges themselves there is no reason to exclude the invertebrate forms of wildlife, some of which are important in themselves and important in the total ecology of the area.

Mr. PELLY. That is all. Thank you.

Mr. DINGELL. Mr. Callison, the committee would like to thank you for a very fine statement this morning.

Mr. CALLISON. Mr. Chairman, I have a copy of the bill in which I have just marked in pencil the proposed amendments that we recommend, that I would leave with the clerk of the committee.

Mr. DINGELL. I would appreciate having it. Personally, I think it would be very helpful.

Mr. CALLISON. Thank you.

Mr. DINGELL. The next witness is Mr. Thomas Kimball, executive director, National Wildlife Federation.

Mr. Kimball, we are happy, indeed, to welcome you this morning.

STATEMENT OF THOMAS L. KIMBALL, EXECUTIVE DIRECTOR, NATIONAL WILDLIFE FEDERATION

Mr. KIMBALL. Thank you Mr. Chairman and members of the committee. I am Thomas L. Kimball, executive director of the National Wildlife Federation which maintains its headquarters here in Washington, D.C. The federation is a private, nonprofit organization, founded in 1936 to achieve conservation goals through educational means. Independent affiliates of the National Wildlife Federation are located in almost all States. Approximately 2 million private citizens are members of these affiliate groups or otherwise support the work of the federation.

Our organization has long held a special interest in endangered species of fish and wildlife. For the past 27 years, the federation annually has sponsored National Wildlife Week in which we invite public awareness and appreciation to the great importance of wildlife and other renewable natural resources. On three separate occasions we have focused nationwide attention on endangered species during these annual observances.

The federation continues to do all within its power, through educational leaflets, articles in our magazine, press releases, and other educational programs, to inform the American people on the need to preserve, protect, and properly manage the habitat so vital to the survival of all wildlife. We likewise have supported complete protection of those species which have been reduced in numbers to the point where their survival is in doubt.

We are highly pleased, therefore, that this committee and the Congress is presently considering new proposals which would give additional impetus in efforts to save endangered species of wild birds, animals, fish, amphibians, and reptiles. For many of them, the hour is late, and the need for new efforts is great, and the time is now.

We have several suggestions to make in connection with the specific bills before you today—H.R. 9424 and H.R. 9493.

First, we should like to call the committee's attention to the perennial and often controversial problem concerning jurisdiction over our Nation's wildlife resource. By tradition and statute, jurisdiction over native, resident, and nonmigratory species of fish and wildlife has, for the most part, been considered a responsibility of the several States and their duly constituted fish and game agencies. Enforcement of laws protecting such species of resident fish and wildlife, both game and nongame, has likewise been considered the duty and responsibility of State agencies.

In most States, extensive programs have been underway for many years to establish and manage wildlife refuges and other areas where habitat improvement work has benefited these resident species, as well as many migratory forms of songbirds, waterfowl, shore birds, and other wildlife.

Because of this well established and, for the most part, successful concept in managing this Nation's wildlife resource, Mr. Chairman, we believe lines of authority and areas of jurisdictional responsibility should be made clear. With specific reference to H.R. 9424, we suggest that the committee might well consider addition of clarifying language in this regard.

Specifically, we would recommend that in section 1, following subsection (b), a new subsection (c) be added, as follows:

(c) In those instances of endangered species which involve nonmigratory resident and native fish, birds, animals, amphibians and reptiles, the Secretary shall take action as hereinafter authorized only if it is determined that the State concerned is either unwilling or unable to adequately protect, conserve, restore or propagate said species.

We would further suggest that section 3 of H.R. 9424 be amended to read:

In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the several States. Such cooperation shall involve consultation before initiation of land acquisition for the purpose of protecting, preserving and perpetuating endangered species of migratory fish and wildlife and in those cases involving nonmigratory, resident and native species, no acquisition shall be authorized unless the State agencies legally responsible for such species consent to said acquisition; or unless the Secretary shall determine that the responsible State agencies are unwilling or unable to effectively protect, preserve and perpetuate the habitat necessary to said species' survival.

The Secretary may enter into agreements with the States for the administration and management of any area established under this program for the conser-

vation, protection, restoration and propagation of threatened species of migratory or nonmigratory fish and wildlife. Any revenues derived from the administration of such areas under these agreements will continue to be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s).

We would further suggest that in section 4, subsection (d) include a provision that hunting and fishing for resident, nonmigratory fish and game species be permitted on any area in the system, or any or all parts of such areas: *Provided*, That such hunting and fishing of resident nonmigratory game species does not interfere with the primary purpose for which the area was established, and (2) that such hunting and fishing first be approved and requested by the State agency responsible for the management and protection of resident fish and game species under such season and bag limits as they may prescribe.

In making these suggestions, Mr. Chairman, we offer them in a constructive spirit and in an attempt to clearly delineate legal responsibilities in administering this worthy program to save our endangered fish and wildlife.

We have no wish to hamper efforts, at any level of government, in such an important program. We do believe, however, that past experience indicates a strong possibility of confusion, argument, and strained relationships between Federal and State efforts in the conservation and management of our wildlife resources, particularly those species which do not migrate or move across State lines. We would hope that, from the very outset, the bill will make unmistakably clear jurisdictional lines and responsibilities.

Finally, Mr. Chairman, we would point out that any program to save certain of our presently endangered species of fish and wildlife can never achieve success without complete public understanding. The real key to protecting and preserving any wild bird or animal lies not so much in making it illegal to hunt, shoot, capture, chase or pursue the species concerned as it does in preserving and protecting from change the natural habitat upon which all wildlife depends for existence.

In this context, almost every wild bird, animal, reptile, and amphibian now existing in our country will, sooner or later, become an endangered species. Already we have destroyed or altered almost two-thirds of the original habitat so necessary for the continued existence of our waterfowl resource. The same may be said to a greater or lesser extent, about many other forms of wildlife which are still fairly abundant. But a program to successfully save endangered fish and wildlife species must be based on a full ecological knowledge of that species' requirements for survival and I might add that the knowledge in far too many cases is not presently available for the species listed and it must also involve rather difficult choices between human needs and uses for our land and water resources and those of wildlife.

It is in this area of public understanding, biological research, and protection of a given species' habitat for its survival in the public interest, rather than using that same "living space" to meet short-term human needs, that we pledge our complete support and efforts to achieve the purposes of the legislation before you today.

Thank you, Mr. Chairman, for this opportunity to present these viewpoints and suggestions.

Mr. DINGELL. Thank you very much, Mr. Kimball.

Mr. Pelly?

Mr. PELLY. Thank you, Mr. Chairman.

I would like to ask you, Mr. Kimball as to whether your proposed amendments are due to the fact that you feel that there is a lack of cooperation now between the Federal Government and the States to take in the various programs that we have for fish and wildlife.

Mr. KIMBALL. I do not think there has been any lack of cooperation.

In instances there have been some strained relations.

For example, even in the endangered species, big horn sheep are listed on some of the lists I have seen as an endangered species. Yet, a good many of the States allow hunting for them, and consider this good game management. It has proved a little embarrassing, therefore to have the Federal Government list a species as endangered, and still have the States allowing hunting for it.

The public who does not understand the management of this particular species might misunderstand, so that there is a need for, I think, a delineation of responsibility to give the States the opportunity to manage the resident species—whether they are game species or endangered nongame species—before the Federal Government moves in.

There is, in my opinion, room enough for everybody, and then some. It is just a matter of determining who shall do what first, and then having the Federal agencies move in behind where the States are unable to do it, or either unwilling to do it, on species over which they have jurisdictional control.

Mr. PELLY. One other question.

In your testimony, again referring to the suggested amendment, you suggest that any revenues derived from the administration of such areas under these agreements will continue to be subject to the provision of section 401 of the act of June 15, 1935.

Would you explain for the record exactly what that reference is?

Mr. KIMBALL. This makes the refuge receipts available for the administration and maintenance and operation of the refuge system, and for payments in lieu of taxes for private lands that may be purchased for inclusion in the refuge. We want any receipts to continue to be used for this purpose.

Mr. PELLY. The legislation that this committee reported out, I think it was Mr. Dingell's bill, last year, was that enacted into law?

Mr. KIMBALL. You mean the one on polar bear?

Mr. PELLY. No; I was referring to the game refuges and the sharing of revenues.

Mr. KIMBALL. Yes; it was enacted into law.

Mr. PELLY. And that provided that the local school districts would be supported by an allocation of the revenues from the refuges?

Mr. KIMBALL. As I understand the bill the way it was finally enacted, it gave local government jurisdiction a choice as to whether or not they would receive a certain percentage of the total amount of the receipts as their share as a payment in lieu of taxes, or whether they would receive all of the receipts that came from their particular county—the refuge in their county.

Mr. PELLY. Well, does your reference, the reference in your testimony, refer at all to any of that, or that particular legislation that was passed?

Mr. KIMBALL. It refers that any additional receipts be used in this same vein, that it not be paid into the General Treasury, and lost to the advantages of the refuge system.

Mr. PELLY. You referred to the law of 1935. That is just a little before my time, and I did not know exactly what you had reference to.

Mr. KIMBALL. Well, I am not so sure I do in this reference back that far, except that this was my understanding that the law authorizing the money or the receipts of the refuge to be used for these purposes extends clear back. It has been amended and modified several times since then.

Mr. PELLY. I think there was so much contention as to this particular aspect of allocating revenues that the final arrangement that was made, I thought, was quite satisfactory, and I take it from what you say you agree.

Mr. KIMBALL. That is correct.

Mr. PELLY. Thank you.

Mr. DINGELL. Mr. Tuten?

Mr. TUTEN. No questions.

Mr. DINGELL. Mr. Reinecke?

Mr. REINECKE. No questions.

Mr. DINGELL. Mr. St. Onge?

Mr. ST. ONGE. No questions.

Mr. DINGELL. You and I have been on the same side in most of the fights we have had up here involving conservation over the years, but I have great reservations about the amendments that you suggest this morning.

Essentially, I think you will concede to me that the amendments you suggest are directed at subordinating Federal programs pertaining to the conservation of wildlife resources of this Nation to State policy. Am I correct?

Mr. KIMBALL. No; I would not say—

Mr. DINGELL. Suppose I read to you those sections to which I refer. Your first amendment says as follows:

In those instances of endangered species which involve nonmigratory resident and native fish, birds, animals, amphibians, and reptiles, the Secretary shall take action as hereinafter authorized only if it is determined that the State concerned is unwilling or unable to adequately protect, conserve, restore, or propagate the said species.

Now, that subordinates the powers of the Federal Government to the States, does it not?

Mr. KIMBALL. Mr. Chairman, the present law provides that the States have jurisdiction over the nonmigratory and resident game species. In essence, what this bill would do would superimpose Federal authority over what the States now enjoy in the way of management of resident species.

Mr. DINGELL. No; because we are not to inflict upon the several States Federal hunting regulations at all. We are going to acquire land for species through the Federal refuge system. Are we not?

Mr. KIMBALL. Well, you are going to, as I understand the bill, you are going to acquire land for endangered species of wildlife.

Mr. DINGELL. That is right.

Mr. KIMBALL. Both game and nongame.

Mr. DINGELL. That is correct, through the Federal Government.

Mr. KIMBALL. That is right.

Mr. DINGELL. Now, we are not setting up any Federal hunting regulations, nor are we taking over control of the hunting or the management of these species in the sense we would have a setting of Federal zones or anything of this kind. Am I correct?

Mr. KIMBALL. You would not have any fixing of zones, but if you are going to manage a species, this would mean that you could conceivably not manage them as far as hunting is concerned. If they were resident species, a resident game species within one of these areas that might be hunted, the Federal Government would certainly have the authority to manage the whole area, including both game and nongame species within it.

Mr. DINGELL. Do you object to that?

Mr. KIMBALL. Well, no, I would not object to that, except that—

Mr. DINGELL. Let us take some other instances in point.

You and I have had a great deal of trouble with the so-called Governor's veto which is included in the law that would authorize the acquiring of wet lands on an accelerated basis to bring the national refuge system up to its intended goals, have we not?

Mr. KIMBALL. Right.

Mr. DINGELL. The requirement of the Governor's consent to acquisition has virtually stalled and stagnated that program for a period of years, has it not?

Mr. KIMBALL. Right, but if you—

Mr. DINGELL. What you are trying to do is establish another kind of veto that is a State veto, which is going to impose further burdens in acquiring the lands needed to protect other species by the Federal Government with regard to the protection of endangered species. Is that not so?

Mr. KIMBALL. No, Mr. Chairman, I state this is not analogous to that at all. In the first place, this is not the Governor, this is an agency of the State that has the responsibility for managing wildlife, and I think that distinction should be made.

Second, the State fish and game agencies, many of them, I would say most of them, have just as much an interest, as well as a legal responsibility, in preserving nongame species, and I cannot see any reason why, if this is their present jurisdictional responsibility, why they should not have the first opportunity to manage the endangered species within their own jurisdiction.

Now, the amendment provides that if they are either unwilling or unable, then the Federal Government can go ahead and proceed to do what the bill outlines, and I cannot see there is any conflict there.

Mr. DINGELL. I want you to tell me how this bill denies these States the authority to manage their resident species of game.

Mr. KIMBALL. They can go in, for example, Mr. Chairman, and acquire, let us say, lands for bighorn sheep that are currently being managed by the State, and in some instances where legal hunting takes place, and it is for the good of that species that that is being done. Under this bill it could be acquired, and the jurisdiction taken away from the State.

Mr. DINGELL. No, because the Federal Government is not going to fix these.

Mr. KIMBALL. They would not permit any hunting zone at all in the areas, just like they do in a good percentage of the present refuge system.

Mr. DINGELL. Can you cite to this committee any example where there has been a failure by the Federal Government to take into consideration proper recommendations of State game, fish, conservation commissions?

Mr. KIMBALL. You had better ask that from the State agencies themselves, but I think you would get a number of them.

Mr. DINGELL. You are here this morning, Mr. Kimball, asserting that if we do not accept your amendments, the Federal Government is going to intrude in the management of the States. It then behooves you to set up a basis for the amendments that you are suggesting. Now, I would like to have you suggest to me this morning, the basis on which we can predicate these amendments.

In other words, I want you to tell me one instance where the Federal Government has refused to allow the States in its refuge system to properly manage the migratory and nonmigratory species of game and nongame animals.

Mr. KIMBALL. Let me cite for one instance, I think it was a year ago, this subcommittee's hearing in relation to the waterfowl regulations zones, where there was a distinct disagreement between the State and the Federal authorities over the management of that resource, but that I do not think is apropos to this discussion.

Mr. DINGELL. I am asking you to cite me instances where there has been failure on the part of the Federal Government to accept the recommendations of a State agency on management of the species.

Mr. KIMBALL. Then, let us take the case, as I mentioned, the bighorn sheep and the Kaibab squirrel, for example, where the Federal Government was listing these as endangered species, when the States themselves had indicated that proper management was to hunt these species. These are two specific examples where I say there would be a distinct conflict between State and Federal interests if this bill were enacted.

Mr. DINGELL. Please remember my question is very simple. I want you to cite to me instances where the Federal Government has failed to accept the proper recommendation of the State agency regarding the management of resident or nonresident game or nongame animals.

You are asserting this, and I want you to lay the foundation for those amendments.

Mr. KIMBALL. Mr. Chairman, there has been no authority, to my knowledge, for the Federal Government to get into resident nongame species, as of the moment, so there could be no conflicts as of now. What I am trying to do is prevent this conflict from developing.

Mr. DINGELL. I asked you a simple question: Where has the Federal Government failed to accept the proper recommendations of the State agencies for the management of game or nongame species? That is the bottom for the whole suggested amendment, and I would like you to cite me one instance.

Mr. KIMBALL. I have been trying to answer you, Mr. Chairman.

Let me explain, that the Federal Government has had no authority, up to now, until this bill is to be considered, to act in resident game or nongame species. This bill gives it that authority.

Now, as far as migratory species, I can cite you some examples as to where they have failed to consider favorably recommendations made by the States, because—

Mr. DINGELL. I said the proper recommendations.

Mr. KIMBALL. All right, proper ones.

For many years, considering the recommendations of flyway councils in the management of some of the species of waterfowl.

Mr. DINGELL. I said proper. Are you saying the Federal Government was wrong in the flyway management?

Mr. KIMBALL. In some cases I feel they were.

Mr. DINGELL. I am still waiting for one instance to be cited.

I think the committee's time is very brief. I want to afford you all the time I can to justify these amendments, but I am still waiting for an answer to my question.

Mr. KIMBALL. I will be happy to document for you some specific instances where there was difference of opinion between flyway councils and the Federal agency on recommendations, if you would care for me to do it, but I do not see where this has any connection with the matter of giving the States a first opportunity to do a job.

As I tried to say, there is ample work here to be done by all agencies of Government, and then it is not going to be enough to do the job.

What I am saying is that the State should have the opportunity to do this job first in their area of responsibility. If they are unable to do it, then the Federal Government should do it, and I do not think we ought to neglect the private organizations who have an interest in here.

The World Wildlife Fund, for example, is acquiring considerable land for the preservation of the prairie chicken and some of the other endangered species, so there also is a role for it in this whole program.

In spite of all we are able to do, it is not going to be enough.

Mr. DINGELL. Very well.

Thank you very much, Mr. Kimball, for your statement.

Mr. DINGELL. The next witness is Mr. C. R. Gutermuth, of the Wildlife Management Institute.

The Chair is very happy to welcome you this morning to the committee, Mr. Gutermuth.

STATEMENT OF C. R. GUTERMUTH, WILDLIFE MANAGEMENT INSTITUTE, ACCOMPANIED BY DANIEL A. POOLE

Mr. GUTERMUTH. Mr. Chairman, I have asked Daniel A. Poole, the secretary of the institute, to join me up here, if you will.

Mr. DINGELL. Mr. Poole, we welcome you this morning.

Mr. GUTERMUTH. Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute. The institute is one of the older national conservation organizations in this country, and its program has been dedicated to the improved management of natural resources in the public interest for more than 50 years.

In addition, I might add at this point that I served as secretary for the first 21½ years of the World Wildlife Fund in this country, and I am now the treasurer of that national organization, which has international relations with similar organizations by the same name in different countries of the world.

The president of the institute, Dr. Ira N. Gabrielson, is also the voluntary president of the World Wildlife Fund, so we do have a very deep and abiding interest in this particular program.

The Nation's conservationists are pleased to support the objectives of H.R. 9429 and H.R. 9493, companion proposals that would authorize the Secretary of the Interior to acquire lands for, and to propagate, such native species of fish and wildlife, including migratory birds, as are determined to be in danger of extinction.

This proposal responds to an expanding awareness of the fact that a rapidly increasing human population and the tremendous proliferation of cities and suburbs, industry, and commerce are steadily encroaching upon the natural environment of fish and wildlife.

This destruction and alteration of the natural environment is both direct and indirect. Highway construction, subdivisions, and industrial sites can destroy the usefulness of land and water for fish and wildlife completely and for all time.

Interruption of the flow of water from such lands, the discharge of air and water contaminants, the physical intrusion of buildings, towers, powerlines, or the disturbance from air and vehicular traffic may render nearby areas of habitat equally unsuited for animal life of all kinds. Sometimes the disturbance of such latter effects can be lessened, but experience shows that more often than not the condition is aggravated rather than abated.

Man is much better prepared today than he was in the past to demonstrate how the alteration of natural habitat is endangering some species of fish and wildlife.

The statistics of highway construction, metropolitan expansion, forest conversion, wetlands drainage, and other factors are much more precise and representative than ever before. In addition, the Federal and State agencies are better staffed and financed, and there is a broader understanding of the habitat requirements of various animals.

Most of the emphasis of the State and Federal agencies has been on species of fish and wildlife sought by sportsmen, but useful information has been gathered about the nongame species largely through the work of universities, independent groups, and societies. It must be recognized, however, that with the exception of a few species that have been studied more extensively than others, man has much to learn about the environmental requirements that most endangered animals need in order to survive. In fact, authorities are not in complete agreement about the list of endangered species, although considerable progress has been made in compiling and refining the list.

From present knowledge, one conclusion emerges. That is, that only by moving rapidly to assure that adequate areas will be preserved and retained in their natural condition will there be any basis for believing that various endangered species can be rescued from the edge of extinction.

This will be easier to do for the land forms than for the aquatic species. The on-site conditions that influence the abundance of an animal are susceptible to control and correction when an animal's habitat requirements can be supplied largely from within the area that has been established for its protection. The more mobile or migratory the species, the more complex the challenge. Many aquatic

species, in addition, are largely dependent upon the quantity or quality of a water supply that may arise far from the designated refuge area. This situation introduces a number of factors that may be beyond the complete control of the wildlife and fish administering agency.

Nevertheless, we believe that the acquisition, lease, or other authority to obtain control over areas of natural habitat so as to enhance opportunities for the preservation and increase of species of animals threatened with extinction is a vital first step. It is basic to the overall success of the program. But, in addition, everyone should recognize that the authority that would be conferred under this bill is no guarantee that some species now threatened with extinction will not, in fact, become extinct in time.

Without an acceleration of research into the biology and ecology of most of these nongame species, without an expansion of knowledge about the requirements of these animals, without the development of habitat manipulation and other management techniques, and without the application of those techniques, the acquisition of land may serve merely to delay the day of extinction rather than to rescue a species that is endangered.

It is hoped that the committee will report this bill favorably, and that its report will make clear the need for additional appropriations to support necessary research and management programs to obtain and apply the knowledge on which successful preservation efforts must be based. One need only to refer to the successful restoration of white-tailed deer, pronghorn antelope, elk, bighorn sheep, wild turkeys, and other of the so-called game species to visualize the value of management programs based on biological facts obtained from research.

In one area or another, these species and others were eliminated or endangered a few decades ago because of the absence of protective regulations and public disregard. None are in danger today, because of man's acquiring of sufficient knowledge to intelligently manage such wildlife resources. In fact, the animals have increased greatly and many species have been reestablished in habitat where they have been absent for years.

A similar restoration procedure now must be applied to the many species of nongame animals, virtually all of which are threatened with extinction because of the contamination, alteration, or drastic reduction of their habitat. The optimum habitat for each endangered species must be determined, and the findings must be applied to the land in such a way as to create and perpetuate the natural conditions most conducive to an animal's present and future well-being.

Much will have to be learned, too, about the dietary, health, cultural, and other techniques of propagation for those species that would appear to benefit from the hatching, rearing, and release of additional specimens into suitable habitat.

Conservationists believe that H.R. 9424 and H.R. 9493 offer a point of beginning, and it is hoped that the proposed program will be authorized in this session of Congress.

Before concluding, Mr. Chairman, I wish to comment briefly on a few provisions of the bill.

In section 1(b) the procedure whereby the Secretary of the Interior is to consult with the States to determine the status of a species or subspecies of native fish and wildlife is not entirely clear. Perhaps the departmental witnesses and some of the State agencies will have some comments on this point.

In addition, it is not clear whether this proposed enactment will authorize the Secretary to take other action, rather than land acquisition, if it appears necessary to assist a species that may be endangered by such contributory factors as water pollution, pesticides, or human disturbances, for example. In other words, land acquisition may not always be the remedy.

The cooperation of other departments of Government, which is requested in section 2(d), will be of the utmost importance in furthering the purposes of this program. Perhaps the committee will want to study opportunities for assuring that the Secretary will get this cooperation as required.

Section 4 consolidates and sets forth existing authorities of the Interior Department for the administration and management of the national wildlife refuge system. In one or two places this authority would be expanded.

Generally, it is believed that this section is logical and reasonable. The Secretary's authority should be specific, yet he should have sufficient latitude to make decisions as the need arises.

Ours is a complex and rapidly changing society, and the conditions that advise the establishment and the management of a wildlife refuge today will not necessarily be the same tomorrow. We believe that as a matter of philosophy, the administration of the wildlife refuges for nonwildlife purposes should be guided by Public Law 87-714, which was enacted—

To assure continued fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas * * *.

The word "compatible" is used throughout section 4, but I am unable to find the words "incidental or secondary use." Conservationists are concerned about the impact of outdoor recreation on the national wildlife refuge system.

We realize that certain kinds of increased public use are desirable and inevitable. At the same time, there are such threats as that to the Chincoteague National Wildlife Refuge in Virginia from the proposed expansion of the recreational use of its beach and the construction of a high-volume access highway through the refuge to the proposed Assateague Island National Seashore.

Both the Department of the Interior and the conservationists are opposed to such unwarranted intrusion into a unit of the national wildlife refuge system, but there is no guarantee that it will not be sanctioned.

For this reason, conservationists are convinced that the hand of the Department of the Interior should be strengthened at every opportunity.

It is believed that whichever of these two bills the committee reports, H.R. 9424 or H.R. 9493, should have a firm link with Public Law 87-714.

We do not think that recreation or other public use of a unit of the wildlife refuge system should be decided primarily on whether it is compatible with the purposes of the refuge. Such use should be incidental or a secondary to the intended purposes of the refuge. In other words, wildlife should be given priority consideration at wildlife refuges.

Secondly, section 4 also provides authority for nonwildlife use of a refuge when the Secretary determines it is not compatible but is otherwise in the public interest. Roads, powerlines, ditches, canals, and other uses are cited as examples.

Here, again, it is believed that the Secretary's hand should be strengthened so that he can effectively resist, or at least force alteration of plans to make less destructive nonwildlife use of refuges.

I have mentioned the threat to the Chincoteague National Wildlife Refuge. In Alabama, there is a plan to construct a leg of an interstate highway through the most productive part of the Wheeler National Wildlife Refuge.

It appears, Mr. Chairman, that inasmuch as the proposal before the committee seeks clarification and consolidation of the Department's authorities to administer and manage wildlife refuges, it would be entirely appropriate to consider amending the proposal still further to accomplish the objectives of H.R. 8807.

This new bill, which you authorized, Mr. Chairman, specifies that the Migratory Bird Commission approve actions to sell, transfer, or otherwise dispose of units of the national wildlife refuge system.

Commission approval also would be required for the construction of roads through refuges, and the migratory bird conservation fund would have to be reimbursed in the amount of the fair market value of refuge lands taken for nonwildlife purposes.

Many millions of dollars derived from the purchase of duck stamps by sportsmen have been invested in research and in acquiring, developing, and maintaining refuges. Authority of this kind, it is believed, would be a strong and desirable addition to the body of law concerning the national wildlife refuges.

Finally, Mr. Chairman, there is the proposed clarification in subsection (d) (1) of section 4, that the Secretary may open more than 40 percent of an inviolate sanctuary for migratory game birds for the taking of resident species of wildlife.

We know that as far as the hunting of nonmigratory game birds on wildlife refuges is concerned, this has been a controversial matter in some areas. Inasmuch as migratory bird refuges are located in the wintering, transition, and nesting zones for migratory waterfowl, it is possible to have hunting for resident, nonmigratory birds on more than 40 percent of a refuge at times when the migratory species are not there.

Our position on this clarification is shaped by our desire, on one hand, to have nothing interfere with the utility of a refuge for migratory waterfowl, and on the other by our knowledge that under present-day authority to establish and enforce hunting seasons and bag limits, resident species of game birds are not harmed by recreational hunting.

The authority that would be granted the Secretary under this provision is permissive. That is, he would not be mandated to open a refuge to the hunting of resident species of game birds. It is expected,

of course, that in the opening of any refuge for such hunting, the Secretary would make sure that nothing is done either to impair the usefulness of the refuge for waterfowl or allow the disturbance of waterfowl in such a way as to make them more vulnerable to gunning pressure outside the refuge.

There is no reason to assume, of course, that this authority will be abused, and until that should happen, we can see no serious objection to clarification of the 40-percent limitation as proposed.

Mr. Chairman, the conservationists are hopeful that the committee will give this proposal prompt and favorable consideration.

Thanks very much.

Mr. DINGELL. The Chair notes that the distinguished Secretary of the Interior has just arrived, and subject to the approval of the members of the committee, I wonder, Mr. Gutermuth, if you would mind continuing your statement and answering questions of the committee until after we have had an opportunity to hear the Secretary.

Mr. GUTERMUTH. I would be delighted to do that.

Mr. DINGELL. Does this meet with the approval of the committee?

Mr. Secretary, the committee is happy to welcome you here.

The Chair notes that the Secretary of the Interior is also a former Member of this House and served with great distinction in this body.

The Chair also notes that you have a number of the members of your staff here this morning, Mr. Secretary, and any you would like to have present with you while you testify would certainly be most welcome.

**STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE
INTERIOR; ACCOMPANIED BY DAVID B. FINNEGAN AND LANSING
A. PARKER**

Secretary UDALL. Thank you very much, Mr. Chairman. I am delighted to be here.

I have a prepared statement; it is a good one, and I would like to read most of it, and I would also like to add some other comments to it, if I may.

I am here today because this is one of the most important bills in my judgment that my Department has submitted for consideration by this committee since I became Secretary.

I am here also because I thought this would be a fitting occasion, since this bill bears the name of its sponsors, Congressman T. A. Thompson, of Louisiana, to pay tribute to him.

I had what I consider to be the good fortune just about a year ago to go down to Congressman Thompson's district with him, spend a day with him in the out of doors, seeing the wildlife resources in his own region, to be the main speaker at a testimonial banquet in his district at the end of the day, sponsored by conservation groups and conservation organizations.

And I think it most fitting that he be identified with this bill, and that it be another of the monuments to his own concern for conservation.

I had occasion during that day to visit with him at length, and I came out of that with a feeling of great respect for him as a person and high regard for his leadership in conservation.

So I am here for these two main purposes today, Mr. Chairman, and with that introduction, I should like to read the main part of my prepared statement.

Last year Congress enacted landmark legislation in the outdoor recreation and conservation field; namely, the Land and Water Conservation Fund Act of 1964, and the wilderness bill, which, of course, were two of the outstanding pieces of legislation.

One of the most important provisions of the Fund Act relates to the acquisition of lands for threatened species of fish and wildlife. The Fund Act makes available moneys to finance the cost of these acquisitions.

The President in his budget for fiscal year 1966 recommended that about \$3.1 million be appropriated pursuant to the Fund Act initially for our endangered species program. The Appropriations Committee of the House of Representatives, however, deleted this amount from the Appropriation Act. They strongly indicated that new authorizing legislation should be obtained for the program before any funds are appropriated.

These bills are an outgrowth of that action. In other words, the reason that we are here is so that we could have an endangered species program that can use funds over the long term from the Conservation Fund Act.

The principal objective of these bills is to initiate a comprehensive program for conserving, restoring, and propagating our endangered species of fish and wildlife.

A secondary objective is to consolidate, and, in some cases, expand our present authorities to administer the national wildlife refuge system.

You can see, therefore, Mr. Chairman, how vitally important this legislation is.

This committee is keenly aware of the need to protect our fish and wildlife, especially those valuable species which are threatened with extinction. The concern for the possible loss of any kind of vertebrate animal is generally exhibited by naturalists, conservationists, hunters, and even the individual who has little or no contact with the out of doors.

Witness the interest shown in the welfare of the whooping cranes. Their semiannual migrations and current population numbers have rated front page reporting for 25 years, and continue to do so.

Maybe it is the American trait to give the underdog a lift, maybe it is the subconscious concern over the loss of a bit of the fauna—that a species may be extinguished—or maybe it is because of the economics associated with having something rare that attracts tourists to an area. Whatever the motive, there is a great deal of sentiment for doing what is necessary to assure the preservation of the threatened species on this continent.

One of the unfortunate results of economic growth in the United States has been the extermination of some wildlife in the past. Since the settlement of the 50 States, some 24 birds and 12 mammals native to the United States and Puerto Rico have become extinct.

Examples that are familiar to members of this committee, of course, are the passenger pigeon, the heath hen, the Carolina parakeet, the

spotted Hawaiian rail, the eastern elk, the Texas and California grizzly bears, and the badlands bighorn sheep.

These animals are gone forever from the face of the earth. They will be joined before very long by some 35 kinds of mammals and 30 to 40 birds, in our judgment, unless special conservation efforts to acquire and maintain sufficient habitats for them are initiated.

And these are things that can be initiated under this legislation.

Island faunas, for example, have been most vulnerable to decimating factors. A number of animals have vanished from Hawaii and Puerto Rico, and from various islands under American jurisdiction, and other animals are presently endangered there.

We have studied the problem of vanishing wildlife for many years to determine the best devices for providing and protecting habitat for species now threatened with extinction so that these animals may be available for future generations.

The Department of Agriculture has also been active in this field, and works closely with it. Special efforts, accompanied in some cases by special acts of Congress, have been made by Federal agencies, conservation organizations, and some State fish and game departments to save such threatened species or subspecies as the whooping crane, the trumpeter swan, the prairie chicken, the California condor, the key deer, and the American bison, by providing refuge areas.

We have sought the advice of over 300 interested experts to learn which animals should be considered rare or endangered. And I am delighted to see some of the outstanding spokesmen of the country here in the room this morning.

The current tabulation shows that 78 forms are considered to be endangered and 44 to be rare. In addition, there are 83 species or subspecies that occur rarely just inside the United States along the Canadian and Mexican borders, and 112 for which there are incomplete data.

Considering only those species that are classed as endangered, there is an enormous challenge to meet the requirements of the 78 kinds of birds, mammals, reptiles, amphibians, and fish before they slip into oblivion.

Protection is needed for these and other endangered wildlife to insure against disturbance, depletion of food, or habitat, and other adverse factors.

We can, we believe, under this legislation, in a systematic way provide such protection.

These bills direct us to use our existing authorities, such as the Migratory Bird Conservation Act and the Fish and Wildlife Act of 1956, to carry out this program in cooperation with the States. It also directs us to utilize our other existing programs, such as our park and public land management programs, to further the endangered species program.

In other words, this is a broad, comprehensive, approach to the overall problem.

One of the most important features of this program will be an increase in our research effort. Much more research is needed on the ecological life histories of endangered species of fish and wildlife.

The knowledge that we can obtain from this effort will aid us in devising appropriate management plans. In many cases, too little

is known about the biology of these species for land managers to know what needs to be done.

Another important feature of the bill is the recognition that other Federal agencies and State agencies can and should provide measures for the protection of endangered species.

Within our Department, the National Park Service has active programs for the protection of the timber wolf, black-footed ferret, and bison, as well as many of the rarer birds. The Bureau of Land Management has a program of dedication of certain portions of public lands to threatened species wherever they may now occur.

Higher priority must be given to endangered species in the management of our Federal lands. For example, according to the objectives for which land and water are now managed—grazing, timber products, mining, sport fish, migratory waterfowl, mass recreation, and so forth—there will be situations where there is conflict with needed habitat for the preservation of endangered species.

In such cases, a clear policy statement as to the precedence of species protection will do much to provide endangered species some, and perhaps adequate, protection for the long haul.

This can be illustrated specifically. Traditional control programs for predators and rodents can and should be modified or curtailed in order to give protection to threatened species. Stream and lake poisoning programs for the purpose of subsequent planting of sport fish need not and should not be carried out in places where endangered and rare species of aquatic life occur, another very pointed example.

State and Federal agencies can and should cooperate fully in the determination of the status of endangered species and in measures for their protection.

That this can be done effectively is shown by the case of the Kirtland warbler, the so-called jack pine warbler, in Michigan. The State took the lead in setting aside three appropriate tracts of land in the nesting area of this rare species. Later the U.S. Forest Service joined in by setting aside an additional tract.

Habitat management is required, in this case controlled burning of the jack pine woods, and the exclusion of the public during nesting time.

The State fish and game departments have a real stake in this program because the management of resident species of fish and wildlife is their primary responsibility. Many of these agencies are very actively supporting the preservation of endangered forms.

Many private organizations have active programs of habitat preservation and protection. Among those that might be mentioned are the World Wildlife Fund, devoted entirely to threatened species, the National Audubon Society, the North American Wildlife Foundation, and the Nature Conservancy.

Some of these people are represented here, and have already done outstanding work in this field.

The program authorized by this legislation is therefore not solely a land acquisition program.

I think the committee understands that.

Emphasis will also be placed on research and administration of existing Federal and State areas. A relatively small number of species require immediate purchase of land and water areas.

These bills also consolidate and clarify our existing authorities relating to the administration of the many areas that comprise our national wildlife refuge system. In some respects, these bills also expand this authority.

The purpose of these changes is to permit more effective and efficient management of the entire system.

Mr. Chairman, Mr. Lansing A. Parker, who is the Associate Director of the Bureau of Sport Fisheries and Wildlife of our Department, will be able to comment further on these changes, if you need clarification.

I should emphasize, however, that these provisions are an important part of the proposed legislation. In authorizing a new endangered species program, provision must also be made for adequate sanctions and enforcement and management. These bills include such provisions.

In addition, since any area established under this new program will be integrated into the national wildlife refuge system, we think it would be administratively unsound to have one set of sanction and enforcement and management provisions for the endangered species areas and a different set of such provisions for the other areas of the system. These bills are specifically designed to provide uniform administration of the entire system.

We strongly urge your committee to act early and perceptively in handling this legislation.

I would like to close, Mr. Chairman, by saying that in recent years—I know since I have come to the Congress, about 10 years ago—there has been a hue and cry from time to time with regard to various endangered wildlife species. We read about the polar bear, about certain types of whales, certain types of birds, and there is a hue and cry from time to time.

I think it has been obvious to a lot of us for some time that what is really needed is a systematic approach to this problem, so that we can identify these species, we can determine what needs to be done, we can have the Federal Government and State governments work together in developing whatever programs are necessary.

In other words, that we can have a national policy and a national program with regard to endangered species, and this essentially is what is proposed in this legislation.

I would like to say I think it is one of the most important conservation bills that is pending before this Congress, or any recent Congress, and we urge the committee to give it its very best attention.

Perhaps this legislation can be improved. As a former Congressman, I am always one who believes Congress can improve legislation, that we are never perfect downtown, which solicit your interest and concern in this legislation.

I am delighted to be here.

Thank you.

Mr. DINGELL. Mr. Secretary, the committee is grateful to you for your appearance this morning. It was a very fine statement.

I think that your appearance before this committee indicates very clearly the importance that you feel that this legislation has in terms of the interest of the conservation of endangered species, and the whole

program of conservation and national resources of this committee, and I am personally very grateful to you for being present this morning.

Mr. Pelly?

Mr. PELLY. Thank you, Mr. Chairman, and I would certainly want to share with you the expression of our pleasure at having the Secretary before us, as an old colleague, and the Secretary as I have followed his career I frankly think that he has made an outstanding contribution, not only to conservation, but to other areas of jurisdiction of his great Department.

So I feel honored in having him here today.

I was particularly interested in the final statement that he made, regarding the possible improvement in the language of the bill.

Before you came, Mr. Secretary, we had a suggestion as to amendments that might be made from Mr. Kimball of the National Wildlife Federation, and I think maybe it might be helpful if your Department would review his testimony.

I will not ask you now, because I know you are busy, but your Department could send over their comments as to the suggestions that have been made.

Secretary UDALL. I am delighted you brought this up, because Mr. Kimball, Mr. Gutermuth, and others here have many times pointed out ways that some of our plans and programs can be improved, and I have the highest regard for their views, and we would be delighted, after this first hearing, to submit supplementary views with regard to some of the suggestions that might strengthen and improve the bill.

We want this, Congressman, to be long-term legislation. It could be landmark legislation, and it could give us the tools administratively so that we can have a significant, broad, comprehensive attack on this whole program and really do for the first time what I think most conservationists have felt should be done, and that is to have a national approach, with national standards in this whole field.

Mr. PELLY. I think that you are absolutely right. We had an example that you yourself mentioned, the polar bear, in the 87th Congress. We reported out legislation, the House passed it, it got over in the other body, and it got put into a pigeonhole or something, and then we held hearings in the 88th Congress, but we never even reported it out.

And I think a general, broad authority to take care of the endangered species where they exist, and I think the Department is qualified to act under general authority much better than when we take testimony on any individual species, so I think I have some concern as to the statement having to do with the relationship of States, and that has reference to the proposed amendment that was suggested.

I will not interrogate you, because I think you can send over your views on an actual proposal that has been made. Maybe it would be helpful, maybe it is not necessary.

Thank you.

Mr. DINGELL. Mr. Tuten?

Mr. TUTEN. Mr. Chairman, I just wanted to say that I am happy with the appearance of the Secretary, and in my observations he is a most outstanding Secretary of the Interior. I am grateful for his services and the contribution he has made.

Mr. DINGELL. Thank you, Mr. Tuten.

Mr. Lennon?

Mr. LENNON. Mr. Chairman, I think it is most appropriate for the Secretary to make a personal appearance before the committee on the bill offered and sponsored by our former colleague and friend, the former chairman of this subcommittee, and I highly commend you for your appearance, Mr. Secretary.

Secretary UDALL. Thank you, Congressman.

Mr. DINGELL. Mr. Secretary, I also want to express my thanks again, and I note that you indicated Mr. Parker and counsel for the Department of Interior, Mr. Finnegan, are here. I notice several other officials of the Department here. Perhaps we could direct specific questions, of which I had several, to them, if this meets with your approval.

Secretary UDALL. Fine. That would be fine, and we certainly will look forward to the committee's work on this bill.

Mr. DINGELL. Very well.

Mr. Secretary, would you direct members of the Department to review not only the statement of Mr. Kimball, but—

Secretary UDALL. Yes; all the statements that are submitted here. I think you should have our views, and we will have them to you very quickly with regard to all of the suggested amendments.

I am sure there are many that we would consider good ones. There may be some that we would consider inadvisable.

Mr. PELLY. If the chairman would yield, I take it you would like us to act promptly, and that means in time so that the House could consider this legislation before adjournment in this session.

Secretary UDALL. Congressman, our problem is this, and we had \$3 million in last year's budget. It cleared through the Bureau of the Budget, and you understand how much can be done in this area with \$3 million. We lost it because of the feeling there ought to be legislation of this kind.

Therefore, if there is action, if both bodies could act, or at least if the House were to act, I think we might be in a position where we can get money in the next budget. Otherwise, we are going to encounter the argument at the Budget Bureau that we are not prepared, and we are not in a posture where we can use the money.

Mr. PELLY. There is no argument over the relationship between the Federal Government and the States, or something like that. I would think this legislation is the type that could go through on the Consent Calendar, and we really could get the bill passed this year. That is why I thought it would be well to clear up that one point.

Mr. DINGELL. Mr. Secretary, just one other thing while you are here this morning.

This committee has slated in the next week or so a hearing on legislation dealing with the disposition of fish and wildlife refuges, roads, and the proceeds of funds derived from such sale and disposition, and how those funds are to be utilized.

I hope that your Department will be able to report previous to the time of that hearing—I happen to view that as important legislation. I know that members of the conservation fraternity in town view that as being extremely important.

I think it would be important to the committee that you have the reports of the Department up here in a timely fashion, so that we may consider them promptly.

Secretary UDALL. My colleagues here tell me that we have our recommendations at Budget, and I am sure with a special effort that we can make we should have it up ready for you in advance.

Mr. DINGELL. Would you arrange to have the views of the Department expedited through the Bureau of the Budget?

Secretary UDALL. We will certainly do that.

Mr. DINGELL. And I will direct the committee's staff to do likewise. Thank you very much.

Mr. DINGELL. The Chair notes Mr. Parker has a brief statement to present.

Mr. PARKER. I am Lansing Parker, Associate Director of the Bureau of Sport Fisheries and Wildlife of the Department.

I will limit my comments to those parts of the bills which relate to the administration of the national wildlife refuge system.

As Secretary Udall has said, the secondary objective of this legislation is to consolidate and, in some cases, expand our present authorities in relation to the system. The bills also provide sanctions and enforcement provisions designed to protect the needs of fish and wildlife in all areas of the system, including those areas acquired or reserved for the endangered species program.

Since it is necessary to provide adequate management and enforcement provisions for this latter program, we also believe that corresponding changes are necessary for the other areas of the system.

The bill defines the national wildlife refuge system. The areas named are the same as those in the Revenue Sharing Act, which was considered by this committee last year.

Mr. LENNON. Would the witness permit me to suggest to the chairman—perhaps, Mr. Chairman, in the interest of time, it would be better to interrogate the witness and introduce the statement into the record.

Mr. DINGELL. The Chair is the servant of the committee, and actually I am very happy to hear Mr. Parker's statement, and on listening to him read it, I find it is quite helpful.

Mr. LENNON. All right. We can proceed that way, then.

Mr. DINGELL. Off the record.

(Discussion off the record.)

Mr. DINGELL. Back on the record.

Mr. PARKER. Section 4(b) of the bill does three things: First, it provides specific authority for the Department to enter into negotiated concession contracts. Our present authority for such contracts is not clear, since it is derived from the Revenue Sharing Act, which deals with the disposition of receipts from various activities, including concessions.

Second, it adds new authority to accept donations of funds, and to use these funds to acquire and manage lands.

Third, it expands our present exchange authority to make it applicable to the entire system and to permit us to use or receive cash to equalize the values of any properties to be exchanged.

The bill prohibits certain activities and uses within the national wildlife refuge system, unless they are permitted under section 4(d) of the bill, or under express provision of any law.

It adds new authority for the Secretary, in the case of mining locations, to control by regulation the surface use of lands within the

system, subject to valid existing rights. It also adds a new provision reserving to the United States all title to the surface of the mining claim where the claim itself may be patented.

The bill authorizes the Secretary to permit certain activities on all areas of the system, such as hunting, fishing, public accommodations, and access.

It also changes the present provisions of the Migratory Bird Hunting Stamp Act which restricts the present authority of the Secretary to permit hunting of game birds, other than migratory game birds, within some parts of the system. The bill continues the restriction insofar as it applies to migratory birds, but makes it inapplicable to resident game birds.

It specifically authorizes the Secretary to issue licenses or permits or grant easements, pursuant to regulations.

It provides penalties applicable to the entire national wildlife refuge system.

It provides enforcement authority, including authority to make arrests, in protecting the various areas that comprise the system.

The bill amends the present section 10 of the Migratory Bird Conservation Act. The revised section 10 directs the Secretary of the Interior to administer the lands acquired or reserved pursuant to that act in a manner that, among other things, will conserve and protect migratory birds and other species of wildlife found thereon.

Where the administration of an area that has been acquired or reserved pursuant to the Migratory Bird Conservation Act is prescribed by some other provision of law, such as in the case of these lands within the Klamath Federal reclamation project, which are administered pursuant to a statute enacted only last year, this new section 10 will not apply.

These are the principal changes in existing law made by the bill. We think they are highly desirable. They will enable us to administer the system better and, most importantly, these changes will help us in carrying out a better program of conserving and enhancing our fish and wildlife populations.

I think, Mr. Chairman, that rather briefly hits the high spots of the suggested changes we have.

I would be happy to answer any questions, and I have with me David Finnegan, legislative counsel, who I am sure will be happy to add any comment, also.

Mr. DINGELL. Mr. Pelly?

Mr. PELLY. I would like to ask Mr. Parker as to the provisions in the bill covering change.

Is there any restriction that would be added to new land which would cause the mineral and mining industry to object to the legislation?

Mr. PARKER. The only change, Mr. Pelly, in the bill, from existing authorities, is that in the case of the patenting of land for mining, the surface rights would be reserved in the Federal Government.

Currently, the person patenting the land for a mining claim would get the surface rights and the products that are on there, as well as the subsurface minerals.

Mr. FINNEGAN. Just one comment, sir.

The surface control provision of the bill also applies to locations prior to the patenting of the land. Thus, in the patenting of the claim

the title would be reserved by the United States to the surface and the surface resource, and in locations the Secretary could control the use of the surface and the surface resources by regulation.

That is the only change that the bill makes in the mining laws.

Similar authority is found in other statutes, specifically Olympic National Park statute, which is a national park area. The citation is 16 U.S.C. 252.

Mr. PELLY. What I was thinking about was any possible opposition which might delay the passage of the bill or in any way interfere with its enactment. There is nothing of that?

Mr. FINNEGAN. I would not think so. This would not interfere with the mining operation itself.

Mr. PELLY. But if there were some timber that went along with the mining claim, then the timber could not be taken off?

Mr. FINNEGAN. That is right.

Mr. PELLY. That is all.

Mr. DINGELL. Mr. Tuten?

Mr. TUTEN. No questions.

Mr. DINGELL. Mr. Lennon?

Mr. LENNON. Mr. Parker, the witness for the Wildlife Management Institute, on page 4 of his statement, raises the question of the clarity of section 1(b) with respect to the consultation of the Secretary of the Interior with State authorities, and then a finding that certain species of either fish or wildlife may be threatened with extinction, and he raises the question in the first three sentences of paragraph 2, on page 4, that this is not entirely clear.

To my thinking, it is clear, but perhaps I do not see it.

If the Secretary, after consultation with the States where the species are threatened with extinction, makes a finding that their existence is endangered because of any one of several reasons set forth, could it be made any clearer than that? To answer the gentleman's question who raised it in the statement, the gentleman representing the National Wildlife Institute?

I do not think it could be clearer than that. The Secretary must make a finding after consultation, and so forth.

Then he goes on to say there is question in his mind as to whether or not the Secretary, meaning the Secretary of the Interior, would have the authority to take any other action to meet this threat of extinction, other than land acquisition.

Now, is it the intent of this bill to lodge in the hands of the Secretary authority to do anything other than to assist in acquisition of lands that were native habitat for these potentially extinct species?

Mr. PARKER. Answering your question, Congressman Lennon, we have felt that section 1(b) was quite clear, as you outlined it. The purpose of the act, however, is stated in 1(a), and is to provide a program for the conservation, protection, restoration, and propagation of selected species of native wildlife and fish that are threatened with extinction.

This is stated as the primary purpose of the bill.

Mr. LENNON. He raises the question, Mr. Parker, and I am trying to answer the questions that he raised in his statement, so for his benefit—

Is the gentleman here?

Yes, sir. I was doing this so we could have a mutual understanding of what you were striking at.

You raised the question, sir, that land acquisition in itself was not always sufficient to meet the tests we are seeking here based on the possibility of the extinction of these species. You asked the question, sir, as to whether or not this language gives the Secretary the authority to do anything more than to acquire that native habitat or nesting area of these possible species that may become extinct for these several reasons.

Now we go back to you, Mr. Parker. Does the language of the bill give the Secretary authority to do anything more where he find that the acquisition of the land is not the prime reason for the threatened extinction?

Mr. PARKER. Yes, section 2(a) actually says:

The Secretary of the Interior shall utilize the land acquisition and other authorities of the Migratory Bird Conservation Act as amended, the Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act to carry out a program of conserving, protecting, and restoring and propagating selected species of native fish and wildlife that are threatened with extinction.

So I think it is quite broad.

Mr. LENNON. Suppose you found that the Secretary, after consultation with the Wildlife Refuge Society in Louisiana, or the department of conservation development, that a species down there was about to become extinct, and land acquisition was essential in order to make a contribution to the prevention of the extinction of this species, and that would be done, and then it was determined that the only way to prevent this extinction was to make unlawful the taking or the killing of that species, and the State refused to take that action.

Now, the question I believe in your mind as to whether or not the Secretary, without special authority, could declare unlawful the killing and taking of a species of fish or wildlife that had the possibility of extinction in that section of Louisiana.

Was that your question, sir?

STATEMENT OF C. R. GUTERMUTH, WILDLIFE MANAGEMENT INSTITUTE—Resumed

Mr. GUTERMUTH. That is right. In other words, I think this legislation is needed to give the Secretary the authority that is needed by him to make these determinations.

Mr. LENNON. Thank you.

Mr. PARKER. No.

Mr. LENNON. Under the Migratory Bird Conservation Act, if this was not a migratory species, the Secretary—and unless it was a specific act of Congress related to that specific species, and the State or local authorities failed to act, the Secretary does not have the inherent authority to do what I believe that you are thinking, and which may be necessary, but we run into there a conflict of the right of the State to legislate with respect to the migratory species.

These inland ponds or lakes that may become extinct, they are not migratory.

Mr. GUTERMUTH. We have concrete and specific examples of the things that concern us.

Take, for example, Mr. Kimball mentioned that the Kaibab squirrel, at the very time that the Secretary determined and listed the Kaibab squirrel as a threatened and endangered species, at that very same time the State of Arizona opened the season on the Kaibab squirrel.

Now, there are other illustrations. In the case of——

Mr. LENNON. Let me interrupt. On what philosophy——

Mr. GUTERMUTH. Oh, this gets involved. I will be glad to answer your question, but I mean we could get greatly involved on this, as to what their determinations were. There were many reasons, perhaps, for their action.

In the first place, the habitat, or the range, of the Kaibab squirrel is limited. A substantial portion of the habitat of the Kaibab squirrel is within the national park. Therefore, the season could not be opened on the hunting of that species within the national park. The State biologists evidently determined or felt, at least, I assume they did, while I have not talked with them personally about it, I assume they felt that adequate protection would be given to the Kaibab squirrel by reason of the fact that a substantial part of its habitat would not be open to hunting.

The points I am making are that conflicts do exist. These are the things Mr. Kimball mentioned that I think we should endeavor to avoid.

Mr. PARKER. I am afraid, sir, unless it was a species of a migratory nature that the Congress could not, by legislative enactment, and certainly the Secretary could not by promulgation of a rule, in the Federal Register or otherwise, make unlawful the taking or the killing of something that was found to be in danger of extinction. You run into the constitutional question of the rights and interests of the States and all those things.

While I agree with you in your thinking, it would be well if we did not consider that aspect of it, I do not believe that this bill does that, unless it is for a migratory species.

Mr. GUTERMUTH. Well, this bill, though, for example, in section (b), gives the Secretary the authority now for the first time to make these determinations and take this action with regard to native species.

Mr. LENNON. Now, just a minute. Do not start quarreling with me, sir. You raised these questions of doubt in your mind, and I am trying to clarify them. That is what I am trying to do.

Mr. GUTERMUTH. That is right.

Mr. LENNON. But I am saying to you that, in my opinion, just like Mr. Parker has indicated, that we cannot go as far, and neither can the Secretary go as far, as you would like to go, unless it was of a migratory nature.

Mr. GUTERMUTH. That is right.

Mr. LENNON. Of course, the Secretary and the Congress can enact legislation regarding migratory fowl.

Mr. PARKER. Let me point out that aside from the migratory species, the only other place where the Secretary would have the authority would be that of the proprietary interest in the land which he administered.

I wanted to make that clear.

Mr. LENNON. You are saying, Mr. Parker, that once the Secretary acquired either through purchase of acquisition or condemnation, land

or area that was native habitat to a bird or animal about to become extinct, then, of course, the Federal Government would have a right to preclude or make unlawful the taking of the game?

Mr. PARKER. That is right.

Mr. LENNON. Thank you, sir.

Mr. DINGELL. Mr. Parker, I have a number of questions about this bill, and I will try and go through them as rapidly as we can. The clock is moving rather rapidly against us.

On page 2 of the bill, line 13, it reads that the function of the bill is to consolidate, restate, and modify the present authorities relating to the administration of the Secretary of the Interior, and so forth.

Why are we restating and what are we restating?

Perhaps you will want to submit that to the committee, rather than just answer the question now.

And in what way are we modifying the present authorities relating to the administration of the wildlife system?

Perhaps you would like to submit to the committee a brief statement as to this. This will comply, in any event, with the rules that the House imposes upon the committee.

Then could you also submit to us a statement as to how much of this legislation constitutes reenactment of existing law?

Now, on page 4, lines 11 and 12, I would like to know the meaning of the following language:

Any revenues derived from the administration of such areas under these agreements will continue to be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s).

Mr. PARKER. Sir, that is the amendment of the Revenue Sharing Act that this committee passed last year.

Mr. DINGELL. I see.

Now on page 5, lines 8 through 10, there is a provision which authorizes the entering into contracts with any person or public agency through negotiation for the provision of public accommodations.

If you recall a few years ago this committee passed out legislation authorizing appropriate recreational use of wildlife refuges, but only where it was fully appropriate and subject to certain narrow and stringent controls, and only where it was incidental and secondary to the fundamental main purpose of the refuge, which is providing protection of these species.

Now, I ask you, does that language change the provisions of the statute to which I refer?

Mr. PARKER. I am told by counsel that all of this part of (b) would not change the existing authorities that were written into law by this committee dealing with the recreational authorities on the refuges.

This is intended just merely to restate very simply in an abbreviated form. We still recognize that that particular act is good, and all provisions of it are still effective.

Mr. DINGELL. And it would not be in any way modified by this?

Mr. PARKER. No, sir.

Mr. DINGELL. Would your agency have any objection to an amendment stating that this bill does not in any way change or alter that legislation?

Mr. PARKER. No. That is correct.

Mr. FINNEGAN. I might say, Mr. Dingell, we wrote the language with full knowledge of present statutory authority. There is no conflict between the two.

Mr. DINGELL. That would comfort me greatly.

Does this legislation in any way modify or change the provisions of the legislation dealing with the protection of these refuges from overuse?

Mr. PARKER. Public Law 87-714?

Mr. DINGELL. Yes.

Mr. PARKER. No; this is not intended to change that whatsoever.

Mr. DINGELL. In no way?

Mr. PARKER. No way.

Mr. DINGELL. You are satisfied with that, Mr. Finnegan?

Mr. FINNEGAN. Yes, sir.

Mr. DINGELL. Now, on page 7, line 23, there is a suggested amendment by the Audubon Society that I hope you gentlemen will expressly comment upon.

Mr. PARKER. Yes; we have a note on that, sir.

Mr. DINGELL. Now, last of all, beginning at the third line from the bottom of page 7 and continuing through the sixth line on page 8, there is some language which permits the use, grants of easements, and so forth, under any areas of the system which are compatible with the purposes for which these areas are established, and then you go on to say, or if incompatible, are otherwise in the public use.

What does that mean?

Mr. PARKER. Currently the Secretary does have these authorities, and this is what we are actually doing, a restatement of it.

Mr. Finnegan can expand on this a little more for your benefit.

Mr. FINNEGAN. This is an attempt, sir, to be consistent with other statutes that are on the books at the present time.

For example, one in particular is the Federal-Aid Highway Act, which gives authority to the Secretary to approve or disapprove a right-of-way for a highway across a Federal refuge, or any Federal lands in the case of the Secretary of the Interior.

Mr. DINGELL. Does the Secretary have the authority to block a highway going across a Federal refuge?

Mr. FINNEGAN. If he makes a finding, sir, that it is incompatible for the purposes for which the area was established, he can disapprove it.

But there is a second provision, however, if it is in the public interest, that right-of-way could be granted.

Now, this would be a higher public interest than, say, wildlife. This is how this has been interpreted.

Mr. DINGELL. Who controls that? Does the Bureau of Public Roads?

Mr. FINNEGAN. In this case the Secretary of the Interior would have the say, not the Secretary of Commerce.

Mr. DINGELL. The Secretary of Interior has the final say?

Mr. FINNEGAN. Yes, sir.

Mr. DINGELL. Let's refer to a specific case, the Wheeler portion of the fish and wildlife refuge, with which I think you gentlemen are familiar, who controls the placement of that road there? Is it

the Secretary of the Interior, the Secretary of Commerce, or the State highway?

Mr. FINNEGAN. I do not know the facts on that refuge.

Under the Federal Highway Act, the Secretary of Commerce makes a request for a highway right-of-way, and we have 4 months to respond. In that time the Secretary has to make a finding as to whether he will give the right-of-way free and clear, or whether he will give the right-of-way with conditions, or whether he will disapprove the right-of-way and say it is incompatible with the refuge, or whether he will say even if it is incompatible there is a higher public interest involved, and he will grant it.

I think it is section 317 of the Highway Act.

Mr. DINGELL. I would appreciate it if you would take a look at those sections and give the committee your further and more carefully considered views on it.

Mr. FINNEGAN. Yes, sir.

(The information requested may be found in the following letter:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 19, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. BONNER: During the recent hearings on H.R. 9424, a bill to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes, the chairman of the subcommittee requested a statement of the changes made in existing law by this bill.

Section 1(a) of the bill contains congressional findings. It does not make any substantive changes in existing law.

Section 1(b) is new. It gives the Secretary of the Interior some guidelines in determining which species of fish and wildlife are to be regarded as threatened with extinction. This determination will be made after some considerable study and consultation with the various States.

Section 2(a) directs the Secretary to carry out an endangered species program of research, study, land acquisition, etc., using our existing authorities.

Section 2(b) gives the Secretary general authority to acquire lands and waters for endangered species of fish. This authority is new.

Section 2(c) makes it clear that we may use funds made available from the Land and Water Conservation Fund Act of 1965 to acquire lands or interests therein. This authority is also contained in the Land and Water Conservation Fund Act of 1965. This provision in the bill is a restatement of the authority in the Fund Act. It will not affect our existing authorities to use other moneys for this purpose.

Section 2(d) is new. It directs us to utilize to the extent practicable other programs to aid in accomplishing the program purposes.

Section 3 provides that we must cooperate with the States. It also adds specific authority for entering into cooperative agreements with the States to manage and administer any area established to carry out the endangered species program. It also makes it plain that any revenues derived by the States in administering these areas must be disposed of in accordance with the recently amended revenue sharing act. The provisions of this section are new.

Section 4 consolidates and clarifies some of the Secretary's existing fish and wildlife authorities. It also expands these authorities. All of the provisions of this section apply to the entire national wildlife refuge system, unless otherwise stated.

Section 4(a) defines the national wildlife refuge system. The areas named are the same as those in the recently enacted revenue sharing act with one addition; namely, the endangered species areas. It also continues the Secretary's

present authority to modify or revoke public land withdrawals. Thus, it is a restatement of existing law.

Section 4(b) does three things: First, it provides specific authority for the Department to enter into negotiated concession contracts. Our present authority for such contracts is not clear, since it is derived from the revenue sharing act which deals with the disposition of receipts from various activities, including concessions; second, it adds new authority to accept donations of funds and to use funds to acquire and manage lands; third, it expands our present exchange authority to make it applicable to the entire system. Under this authority, we can exchange Federal lands for non-Federal lands when their values, as determined by the Secretary, are approximately equal. If they are not approximately equal, this provision of the bill permits us to use or receive cash to equalize the values of any properties to be exchanged.

Section 4(c) prohibits certain activities and uses within the national wildlife refuge system, unless they are permitted under section 4(d) of the bill, or under express provision of law, public land order, etc. This provision is a restatement of existing law.

Section 4(c) also adds new authority for the Secretary, in the case of mining locations, to control by regulation the surface use of lands within the system, subject to valid existing rights and its adds a new provision reserving to the United States all title to the surface of the mining claim and the products of the surface.

Section 4(d) (1) is new. It authorizes the Secretary to permit certain activities on all areas of the system, such as hunting, fishing, public accommodations, and access. It also changes the present provisions of the Migratory Bird Hunting Stamp Act which restricts the present authority of the Secretary to permit hunting of game birds, other than migratory game birds, within some parts of the system. The bill continues the restriction insofar as it applies to migratory birds, but makes it inapplicable to resident game birds.

Section 4(d) (2) specifically authorizes the Secretary to issue licenses or permits or grant easements, pursuant to regulations, for uses that he finds are compatible with our management of the system, or, if incompatible, are otherwise determined by him to be in the public interest. This provision is a restatement of existing law. It is also consistent with other provisions of law relating to such easements, etc. One example is title 23, United States Code, section 317(b). This section, in the case of Federal-aid highways, provides that the Secretary of Commerce files a map with the head of the agency administering the Federal land, in the case of the national wildlife refuge system, the Secretary of the Interior. The map describes the lands needed for highway purposes. If within a period of 4 months, the Secretary of the Interior does not notify the Secretary of Commerce that the use of this land for highway purposes "is contrary to the public interest or inconsistent with the purposes for which such land" has been reserved, "or shall have agreed to the * * * transfer under conditions which" the Secretary of the Interior believes necessary "for the adequate protection and utilization of the reserve," then the lands may be transferred. It should be noted that the determinations under H.R. 9424 and the Federal-Aid Highway Act must be made by the head of the agency administering the lands, in this case the Secretary of the Interior.

Section 4(e) provides penalties applicable to the entire national wildlife refuge system. It is technical and it is a restatement of existing law.

Section 4(f) provides enforcement authority, including authority to make arrests, in protecting the various areas that comprise the system. It is new and technical.

Section 4(g) is a technical provision which continues the regulations now applicable to the various areas of the system until modified or rescinded by the Secretary.

Section 5 defines the various terms used in the bill.

As indicated previously, section 4(d) (1) restates the present limitations on the hunting of migratory birds on areas acquired or reserved as inviolate sanctuaries. Section 6 of the bill is a technical amendment which repeals the provision in the Migratory Bird Hunting Stamp Act (Duck Stamp Act) which now contains these limitations.

Section 7 amends the Migratory Bird Conservation Act in several respects.

Section 7(a) removes the word "game" from sections 4 and 12 of the Migratory Bird Conservation Act. This is a technical amendment. It is new.

Section 7(b) amends the present section 10 of the Migratory Bird Conservation Act. The amendment is new. The revised section 10 directs the Secretary

of the Interior to administer the lands acquired or reserved pursuant to that act in a manner that, among other things, will conserve and protect migratory birds and other species of wildlife found thereon. Where the administration of an area that has been acquired or reserved pursuant to the Migratory Bird Conservation Act is prescribed by some other provision of law, such as in the case of those lands within the Klamath Federal reclamation project, which are administered pursuant to the act of September 2, 1964 (78 Stat. 850), this new section 10 will not apply.

Section 7(c) is technical. It amends the Migratory Bird Conservation Act to include in the definition of the term "migratory birds" those birds that are defined in the treaty between the United States and Mexico which was concluded in 1936.

Section 7(d) repeals the present sections of the Migratory Bird Conservation Act which provide for the enforcement of said act and penalties for violations thereof. It is technical.

Section 8(a) repeals the provisions of law which now authorize the Secretary of the Interior to acquire lands for wildlife refuges by exchange. A broader exchange authority is contained in section 4 of the bill.

Section 8(b) is a technical amendment to make the provisions of the recently amended "revenue sharing act" applicable to the endangered species areas.

We were asked to furnish your committee with the estimates of cost, attributable to the Land and Water Conservation Fund Act of 1965 and those attributable to other authorities. There is enclosed a table showing this breakdown.

We were asked to comment on the applicability of the act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k-460k-4) to the provisions of section 4 of H.R. 9424. The 1962 act authorizes the Secretary of the Interior to administer the various fish and wildlife areas which are administered by the Secretary of the Interior or parts thereof "for public recreation when in his judgment public recreation can be an appropriate incidental or secondary use." In our opinion, H.R. 9424 would not in any way modify, repeal, or amend the 1962 act. It is our intention to follow the policy expressed in that act. As we indicated in our testimony on H.R. 9424, we would not object to a provision in the bill which specifically recognizes this recreation authority. We therefore suggest that section 4 of the bill be amended by adding a new subsection (h) to read as follows:

"(h) Nothing in this section shall be construed to amend, repeal, or otherwise modify the provision of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k-460k-4) which authorizes the Secretary of the Interior to administer the areas within the system for public recreation. The provisions of this section relating to recreation shall be administered in accordance with the provisions of said Act."

In view of the fact that the 1962 act was intended to apply to all areas of the national wildlife refuge system and other areas, and in view of the fact that H.R. 9424 defines the system, we think that the 1962 act should be amended to refer to the system specifically. This provision would be technical. We therefore suggest that H.R. 9424 be amended by adding at the end thereof a new section 9 to read as follows:

"Sec. 9. The first clause in section 1 of the Act of September 28, 1962 (76 Stat. 653) is amended by deleting the words 'national wildlife refuges, game ranges,' and inserting therein 'areas within the National Wildlife Refuge System.'"

Your committee also requested that we comment on the proposed amendments of the National Audubon Society, the National Wildlife Federation, and the Wildlife Management Institute. The amendments and comments are as follows:

1. The National Audubon Society recommended that section 4(b) (1) of the bill be amended to make it clear that recreational use of the areas within the system will not be inconsistent with the primary purpose for which the areas were acquired or reserved. We agree with the objective of this proposal. We think, however, that it is unnecessary since we have recommended herein a new section 4(h) which expressly provides that the provisions of section 4 of H.R. 9424 relating to recreation will be administered in accordance with the policy set forth in the act of September 23, 1962 (76 Stat. 653). We therefore recommend against this amendment.

2. The National Audubon Society recommends that we amend the bill to include protection for invertebrates as well as vertebrate wild animals within the areas of the system. We think this is desirable. We therefore recommend that the words "or invertebrate" be inserted after the word "vertebrate" on line 5, page 6, and on lines 19 and 22, of page 8 of H.R. 9424.

3. The National Audubon Society in effect recommends that section 4(d) (1) of the bill be amended to provide that not more than 40 percent of the portion of an area reserved as an inviolate sanctuary for migratory birds may be opened to the hunting of migratory game birds or resident species thereof at any time. We are opposed to this amendment in the bill. This restriction is now in the Migratory Bird Hunting Stamp Act, as amended. H.R. 9424 limits the restriction to the hunting of migratory game birds. The Migratory Bird Conservation Act and the Migratory Bird Treaty Act are primarily concerned with the protection of migratory birds, not resident game birds. Hunting of nonmigratory birds and other wild animals can be compatible with the protection of migratory birds. Where it is not, we would not permit such hunting. We therefore recommend against this amendment.

4. The National Wildlife Federation recommends that section 1 of the bill be amended by adding a new subsection (c). This new subsection would limit the authority of the Secretary to conduct an endangered species program. Before initiating the program in a State, the Secretary would have to determine that the State is unwilling or unable to carry out the program itself. We are opposed to this amendment.

Adequate provision is made in the bill to cooperate with the States. In addition, we have made it plain to your committee that we think this program cannot be all Federal, or even all Interior. The States and other Federal agencies must also act. There is enough work to do for all concerned. The Secretary should be permitted to, in his judgment, do what is necessary and desirable to carry out his responsibilities adequately. We recommend against this amendment.

5. The National Wildlife Federation requests an amendment which would require the consent of the State fish and game agencies before acquiring lands for the endangered species program.

The Fish and Wildlife Act of 1956 authorizes the Secretary to acquire lands for wildlife purposes. We can use this authority to acquire lands for endangered species thereof. H.R. 9424 directs us to use this authority for this program. We are not now required to get State consent for these acquisitions. We are unaware of any reason for such a provision in the endangered species program.

The Migratory Bird Conservation Act now requires that the State consent by law to acquisition under that act. Most of the States have consented by law. These consent laws of the States would be adequate for the acquisition of lands for endangered species of migratory birds. An additional consent requirement is undesirable.

It should be pointed out that the land acquisition portion of this program will be modest. Approximately \$14 million is estimated for land acquisition over 5 years. As we have previously stated, we intend to cooperate fully with the States in carrying out this program—even to the extent of soliciting the views of the States in selecting endangered species areas. Since this national program will be carried out by the Federal Government, we think it would be unwise and inappropriate to subject the program to local controversies. We therefore recommend against this amendment.

6. The National Wildlife Federation recommends an amendment which would limit the Secretary's present authority to regulate and manage fish and wildlife on federally owned property. This authority is derived from the Constitution and the inherent powers of the Federal Government as a proprietor. It is specifically vested in the Secretary of the Interior with respect to all areas within the national wildlife refuge system by various acts of Congress. Under these statutes the Secretary is authorized to issue regulations which are necessary for the effective administration of these areas, including regulations relating to the taking of fish and wildlife—resident and nonresident. The regulation of wildlife on federally owned property is an appropriate and necessary function of the Secretary. Thus, as we previously stated, hunting and fishing within the system will continue to be regulated under this bill within the framework of State regulations. The regulations will conform to State laws. They will not be less restrictive, but they may be more restrictive. We therefore are strongly opposed to this amendment which would invade the proprietary authority of the Federal Government.

7. The Wildlife Management Institute recommends an amendment to section 4 of the bill along the lines of H.R. 8807, a bill to amend the Migratory Bird Conservation Act to provide that no land contained in the national wildlife refuge system shall be sold, transferred for any other use, or otherwise disposed

of without the approval of the Migratory Bird Commission, and for other purposes. We strongly recommend against such an amendment.

As we have indicated in our report on H.R. 8807, the bill is constitutionally objectionable because it contravenes the separation of powers doctrine. An amendment to H.R. 9424 which requires the approval of the Migratory Bird Conservation Commission before the Secretary exercises his authority under existing law or under H.R. 9424 to sell, transfer, or otherwise dispose of any lands or interests therein within the national wildlife refuge system would also be constitutionally objectionable.

We appreciate the opportunity to comment further on H.R. 9424.

Sincerely yours,

MAX N. EDWARDS,
Assistant to the Secretary and Legislative Counsel.

Estimated additional expenditures of endangered species program

	CY	CY+1	CY+2	CY+3	CY+4
Land acquisition from Land and Water Conservation Fund Act of 1965.....	\$3,114,000	\$2,825,000	\$2,625,000	\$2,970,000	\$2,925,000
All other financed with general appropriations.....	130,000	1,125,000	1,627,000	1,375,000	1,595,000
Total.....	3,244,000	3,950,000	4,252,000	4,345,000	4,520,000

Mr. DINGELL. There are some other questions that I have.

Does this bill provide for regulations and authority to issue regulations to protect these endangered species, once the refuge is set up?

Mr. PARKER. That is right.

Mr. DINGELL. It does?

Mr. FINNEGAN. Yes, sir.

Mr. DINGELL. Could you cite briefly where that is?

Mr. FINNEGAN. I am sorry. The bill does not specifically say "regulations." The Secretary has general authority to issue regulations carrying out his programs.

Mr. DINGELL. You are satisfied he has sufficient authority to protect it by issuance of regulations?

Mr. FINNEGAN. Yes, sir.

Mr. DINGELL. What about the provision for opening the refuges for 40 percent taking of nonmigratory species?

I would like to ask you how you intend to construe that. Do you intend to open these refuges at the time these migratory species are present?

Mr. PARKER. Generally speaking, it would be for such species as pheasants, quail, and grouse. These are about the only species that might be considered as possibly—

Mr. DINGELL. The deer, possibly elk?

Mr. PARKER. Currently the act permits that. We can open an entire area to the taking of deer or elk or any other mammal. The limitation applies only to migratory and resident game birds.

Mr. DINGELL. How do you intend to exercise that power? Do you intend to open those areas during the time that the migratory species are using the refuge?

Mr. PARKER. They would be open during the time that the State set the hunting season for that particular species.

In other words, we have tried wherever we can to conform with the State law. We do so as far as outside dates and bag limits and

so on, so it would be at the time that the State prescribed its hunting season.

Now, most of these areas would be upland areas, for example, for the grouse, the sage grouse or sharp tailed grouse, they would be brushlands that would have little or no impact on the waterfowl.

Mr. DINGELL. In regard to pheasants, which very frequently reside quite extensively in swampy areas—what are you going to do about them? Are you going to open the pheasant season in the marshy areas during the time the waterfowl might be using the area?

Mr. PARKER. It is possible that an area might be opened now, up to 40 percent for waterfowl shooting, would be the same area that would be open to the taking of pheasants.

But what this particular provision does is to open the entire refuge to the taking of resident game birds.

Mr. DINGELL. What you are stating is that under this—do you propose to open the marshy areas in excess of 40 percent taking of resident species while the migratory species are utilizing these same areas?

Mr. PARKER. Ordinarily, I say if we are going to have any hunting on a refuge at all, it is going to conform with the State seasons, and if it would appear that such a season would adversely affect the migratory birds, then we would not open that part of the refuge.

Mr. DINGELL. That was the assurance I wanted, Mr. Parker.

Now, the question was raised about the cooperation and assistance of other Government agencies with regard to the implementation of this legislation.

For example, on page 3, lines 21 through 23, are you satisfied that that language adequately assures the cooperation and so forth of other agencies of the Federal Government.

Mr. PARKER. I think it does, Mr. Chairman.

We look at this program, and the Bureau's position in it, primarily as a catalyst to select the species that look like they need protection after consultation with the States, and specialists in the field, and then turn to anyone that can do the job.

This, as we see it, is going to be a big enough job for everyone. The Bureau alone will not be able to do it, and it has been amply demonstrated other Federal agencies, for example, already have taken steps on their own lands to do it; likewise some of the States as well as the private organizations have good programs.

Mr. DINGELL. Now, page 3, lines 14 through 20, set out a provision whereby funds made available pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) may be used for the purpose of acquiring lands, water, or interests therein, et cetera.

Does this in any way change the provisions of the Land and Water Conservation Fund Act?

Mr. PARKER. No; this is just simply to call attention to the fact that we have the authority in the Land and Water Conservation Act to acquire lands for species threatened with extinction, and the real reason for putting this in here was simply to underscore the fact that we would be using these funds—other than duck stamp funds, for example, or other appropriated funds. We would be using to the fullest extent the Land and Water Conservation Fund for the species that are threatened with extinction.

Mr. DINGELL. Does this in any way change any of the other sections of the Land and Water Conservation Fund in any way, shape, or form?

Mr. PARKER. Not at all.

Mr. DINGELL. Last of all, I would like to know, is there any way other than those which you indicated that the mining and mineral rights and the mineral and mining laws of the United States are changed.

Mr. PARKER. Only to the extent that Mr. Finnegan has already recited—that the mining patentee will not receive title to the surface and the products growing on the surface, plus the other provision——

Mr. FINNEGAN. Locations.

Mr. DINGELL. In other words, you have control over where the mineral finds may be entered? Is that correct?

Mr. FINNEGAN. No. When an area is open to location and mining under the mining laws we cannot prohibit a miner from locating a claim, but what we can do is control the surface use of that claim so that all he can use the surface for is the actual prospecting and mining itself, and not cut timber or build a building that is incompatible with the wildlife use.

Mr. DINGELL. Are fish and wildlife refuges which are acquired by migratory bird fund receipts open to mining?

Mr. FINNEGAN. No, sir.

Mr. DINGELL. They are not?

Mr. FINNEGAN. No.

Mr. DINGELL. The only refuges, then, which are open to mining are those which are——

Mr. PARKER. Game ranges and the wildlife ranges, primarily public domain.

Mr. DINGELL. On public lands?

Mr. PARKER. That is right.

Mr. DINGELL. And the refuges which you get from the Corps of Engineers and the Bureau of Reclamation—are they open to——

Mr. PARKER. The answer generally is, "No." It may be that in certain instances we have bought the land, the surface, with some reservation.

Mr. DINGELL. Of mineral rights?

Mr. PARKER. Of the mineral rights in the deed.

Mr. FINNEGAN. One qualification, sir, that maybe Mr. Parker can say something further on, but on the lands within the National Wildlife Refuge System the Secretary can administratively permit mineral leasing. There is nothing to prohibit him from doing so even where the public land is withdrawn from the U.S. mining laws.

Mr. DINGELL. He may withdraw them from mineral leasing if he so chooses?

Mr. FINNEGAN. Or he can open them.

Mr. DINGELL. Once he opens, he has to open without restrictions?

Mr. FINNEGAN. Well, he does it according to his regulations.

Mr. DINGELL. Subject to his regulations as to the manner, but when he opens these, he has to make the surface rights available with the mineral rights. Is that correct?

Mr. FINNEGAN. That is right, but he may restrict the surface use.

Mr. DINGELL. Was there not a change in the law dealing with national forests a few years ago which said on national forests they got the right to use only so much of the surface they could prove necessary, and only so much of the timber as was necessary to provide props and backings and things like that?

Mr. PARKER. This subject was considered as legislation. Whether it passed, I cannot answer. I know it was the subject of extensive hearings.

Mr. DINGELL. I am sure it did.

Would you check that——

Well, counsel, would you check that out for us and make an appropriate notation in the record on this point?

(The information to be furnished follows:)

H.R. 398 passed the House April 5, 1965, which would reserve all surface resources of certain public lands in national forests in the State of Colorado, with permissive use of such resources only allowed if consented to by the Secretary of Agriculture.

There has been no general legislation passed recently affecting mining rights and surface resources.

Mr. DINGELL. Well, gentlemen, your statements this morning have been most helpful.

There is one last question I want to ask.

Now, let us take the question of a refuge set up exclusively for preservation of some nonmigratory species. Let us take, for example, the black-footed ferret or something of this kind. Are you going to use migratory stamp proceeds for acquisition of that kind of a refuge?

Mr. PARKER. No; and this is, as I tried to point out, the real reason for the inclusion of the statement here with reference to the land and water conservation fund, to primarily assure folks that duck stamp money would not be used for purely resident species or reptiles or amphibians or anything else.

Section 2(c) is the section that I referred to earlier.

Mr. DINGELL. And that assures that migratory bird receipts duck stamp receipts, are going to be used for——

Mr. PARKER. Migratory birds.

Mr. DINGELL. And that you will procure elsewhere for the other species?

Mr. PARKER. Yes.

And I would like to state it is migratory birds, and not confined to migratory game birds, because within the proposed bill we are suggesting the changes that would cover all migratory birds rather than just migratory game birds.

Mr. DINGELL. Very well.

Now, gentlemen, thank you very much.

Any further questions?

Mr. PELLY. No.

Mr. DINGELL. Yes, Counsel?

Mr. EVERETT. Mr. Parker, when you supply the information Mr. Dingell requested, will you also supply for the record the cost of this legislation, and what amount or percentage of the cost will be derived from the Fish and Wildlife Act of 1956, the Fish and Wildlife Coordination Act, the Migratory Bird Conservation Act, and the Land and Water Conservation Fund Act of 1965?

Mr. PARKER. Yes.

(The requested information may be found in the letter to Mr. Bonner dated July 19, 1965, on p. 164.)

Mr. EVERETT. That is all, Mr. Chairman.

Mr. DINGELL. The Chair notices also the presence of Mr. Clifton Merritt, director of the field services of the Wilderness Society.

Mr. Merritt.

Mr. MERRITT. I do not have my statement with me.

Mr. DINGELL. Would you like to submit a statement at a later time?

Mr. MERRITT. I would like to do that.

Mr. DINGELL. This will be entirely appropriate.

(The statement follows:)

STATEMENT BY CLIFTON R. MERRITT, DIRECTOR OF FIELD SERVICES, THE WILDERNESS SOCIETY, WASHINGTON, D.C.

Mr. Chairman, I am Clifton Merritt, director of field services of the Wilderness Society. The Wilderness Society is a national conservation organization of some 30,000 members who are actively concerned with the preservation of wilderness, scenic, and other natural resources.

I am here today to represent these members and to offer the society's support for H.R. 9424 and H.R. 9493. These companion measures will authorize and direct the Secretary of the Interior to initiate and carry out a program to conserve, protect, and restore native fish and wildlife, including game and nongame migratory birds that are threatened with extinction. It also consolidates the Secretary's authorities with regard to management and administration of the national wildlife refuge system and provides sanctions and enforcement provisions designed to protect fish and wildlife needs in all areas of the system, including areas acquired or reserved for threatened species of fish and wildlife.

I have a great interest in this bill because of its potential effect on species of fish and wildlife which are threatened with extinction in my home State of Montana. Among endangered species in that State are the grizzly bear and the grayling.

One cannot examine the great amount of information compiled and made available to the people over the past several months by governmental agencies on rare and endangered species of fish and wildlife without being impressed. It has probably been the greatest undertaking of its kind in the United States and represents a good start in the right direction toward focusing national attention on the many species of valuable wild creatures that are indeed disappearing before our eyes. Nothing less than national action will preserve them.

Federal agencies, State fish and game departments, and conservation organizations have made and are continuing to make special efforts to save certain endangered species or subspecies. This bill and related measures give the Secretary of the Interior the authority and the direction that will enable him to carry out an active program to protect other threatened species.

Authorities have reported that, at present, the outlook for the future of the grizzly bear in Montana is at best a cloudy one. Only a few hundred are left in that State which, except for Alaska, is said to contain the principal remaining population of grizzlies in the entire United States. It has been found that the grizzly requires essentially a wilderness-type habitat to survive. Continual encroachments on the remaining wilderness in Montana, especially outside national park lands and officially designated wilderness areas, have left this magnificent animal in a precarious position. In my opinion, H.R. 9424 would enable the Secretary of the Interior to carry out an effective program to protect this threatened species against unnecessary disturbance and depletion of habitat.

The grayling is in a somewhat similar and precarious position. The grayling is extinct in Michigan, and now of the States, only Montana and Alaska have any grayling left. The grayling requires an undisturbed, high-quality aquatic environment. Siltation and pollution of streams, along with other adverse factors, continue to take their toll of this vanishing species. A special effort is re-

quired to preserve the natural habitat of the grayling and prevent this fish from becoming extinct. H.R. 9424 would provide the needed authority and the direction to do the job.

In conclusion, Mr. Chairman, I wish to emphasize my belief that these measures will do much to protect and restore endangered species of fish and wildlife for which no special national effort is now being made.

Mr. DINGELL. Thank you very much, sir.

The Chair made a mistake. Mr. Gutermuth was testifying, and the Chair asked him to yield to the Secretary. Mr. Pelly was gracious enough to remind me of this failure.

Do you have any questions of Mr. Gutermuth?

Mr. PELLY. I do not. I thought possibly there was some further statement that he wanted to make.

If you do not, we are anxious to get this moving, here.

Mr. GUTERMUTH. I might make one statement with regard to the comments of Mr. Kimball, Mr. Chairman.

We naturally share his feelings about this, because as we brought out in this testimony earlier, this does for the first time give the Secretary specific authority with regard to native resident game, and I think Mr. Kimball's concern, and mine, too, is that we must do everything possible to minimize the conflicts between the Federal and the State agencies.

Now, we actually have had conflicts, and I could cite them. There is considerable concern on the part of some of the State agencies.

There is this matter of authorizing the acquiring of additional land, which could be in considerable quantities, the big question then comes, is this land going to be closed to hunting?

These are not merely my comments and thoughts. They are offered for your consideration.

The States are going to be seriously involved in questions of this kind. We have seen some of this. We have had cases in States in the West in particular—your State, Mr. Pelly, protested the acquisition of additional land for national park purposes because it was going to take that land out of availability for hunting and close it for national park purposes.

Mr. PELLY. You are talking about the North Cascades?

Mr. GUTERMUTH. That is right.

Mr. PELLY. I have heard about that.

Mr. GUTERMUTH. I have not had a chance to talk with Mr. Kimball, but I think those are the kinds of things he is trying to reflect and call to the attention of this committee.

The other conflicts—and I think most of these will be overcome—seem to be taken care of by the language of the bill.

I mentioned the Kaibab squirrel earlier. Let me also add that right at the time that the Bureau put the Tule elk on the threatened and endangered species list, right at that very time, almost simultaneously, the State of California opened the season on limited hunting of the Tule elk.

Mr. DINGELL. I believe Mr. Kimball's organization was one of the loudest protesters of that particular hunting season. I remember reading it in his official publication.

Mr. GUTERMUTH. That may be right. The point I wish to make in conclusion is, we should give serious consideration to ways to minimize the conflicts.

Mr. DINGELL. I would also point out to Mr. Kimball that I saw great protest in his official publication regarding the hunting of the Kaibab squirrel in his official publications.

I would recommend more careful reading of his publications.

Mr. KIMBALL. I am going to reread that, Mr. Chairman, because I do not think that is right. If that is true, there are going to be some changes made, I will guarantee you that. [Laughter.]

Mr. DINGELL. I notice Mr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources is here.

Mr. Smith, do you have a statement you wish to make?

Mr. SMITH. Yes, Mr. Chairman. With your permission, I will just file my prepared statement.

Mr. DINGELL. Without objection, your statement will be included in the record as though read.

(The statement referred to follows:)

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS COMMITTEE ON
NATURAL RESOURCES

Mr. Chairman and members of the committee, I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C. We appreciate the opportunity of offering our views in support of H.R. 9424 and H.R. 9493.

We interpret the proposed legislation as an attempt to remove a number of difficulties that have existed in conserving and protecting native species of fish and wildlife that are threatened with extinction. The exact wording of past statutes apparently has not been able to allow a full program to go forward in protecting endangered species. Also, the question as to available appropriations for this purpose has not received a definitive answer. The proposed measures, therefore, state the problem, establish a clear and distinct set of purposes and objectives, and set about amending the necessary existing statutes in order that the purposes of the legislation can be carried out.

In spite of a general familiarization of the various statutes that the proposed legislation would amend, we wish we were more knowledgeable as to the specifics and possible difficulties and conflicts that might result. We are not suggesting, therefore, in our support of the legislation, that some amendments might not be necessary in order to achieve the full implementation of the purposes of this legislation.

At the risk of what may be to some an unnecessary redundancy, we should like to quote the statement of purpose embodied in the proposals:

"The purposes of this Act are to provide a program for the conservation, protection, restoration, and propagation of selected species of native fish and wildlife, including migratory birds, that are threatened with extinction, and to consolidate, restate, and modify the present authorities relating to administration by the Secretary of the Interior of the National Wildlife Refuge System."

It would be difficult for us to understand how one could take serious issue with these purposes. We are aware that no program is promulgated in a vacuum and that when one seeks to implement such a program other uses and interests are immediately evident and conflicts of resource use become obvious.

The authors, of the proposed legislation appear to us, however, to have made it quite clear that they do not intend the legislation to run roughshod over other resource users. On the contrary, it appears that considerable care has been taken to provide for other resource uses as fully as possible in terms of the objectives of the legislation.

It places the responsibility with the Secretary of the Interior to determine what constitutes a specie or subspecie of native fish and wildlife that might be threatened with extinction. The proposed legislation directs the Secretary to consult with the States before undertaking the necessary measures of protection and/or rehabilitation.

Some informal criticism of the bill has been made because of what some feel is an undue preoccupation with land acquisition. It has been argued in the past that protecting species has been used as an excuse to acquire lands which may subsequently be used for other purposes. In our judgment, one of the principle threats to endangered species is the destruction of, or the radical change in, the habitat. This is not to say that there are no other dangers manifest, but no biologist or ecologist, of our knowledge, has failed to point out the high importance of habitat as a means of protecting threatened species. The thrust of these proposals seek to meet this problem of the required habitat, plus the recognized dangers in sufficient time. Both of these objectives are not only important but vital to protection and restoration.

The proposed legislation notes the acquisition of lands, waters, or interests therein to be financed from the Land and Water Conservation Fund Act of 1964 (Public Law 88-578). In section 6(a)(1) under the topic of "Threatened Species," the Land and Water Conservation Fund Act states: "For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction." We assume that this directly relates to the purchase of lands by the Federal Government. If the Federal Government were in a cooperative arrangement with the States in areas purchased with the Federal share of the land and water conservation fund, it would appear to confuse the allocation provisions of the land and water conservation fund.

It is clear to us that the intent of the authors is to maintain all other uses of the acquired area to the maximum extent possible compatible with the purposes of the legislation. For example, hunting, fishing, public recreation, accommodations, access, as well as easements, to powerlines, telephone lines, canals, ditches, pipelines, roads—all are permitted with proviso that such uses be compatible with the purposes of the act. In addition, the U.S. mineral mining and leasing laws shall continue to apply to any lands within the system to the same extent that applied prior to the effective date of the proposed act. The difference would be in the filing of new claims, which would limit the conveyance of title to the mineral deposits only.

It would be our hope that the proposed legislation will be looked upon with favor by the committee and that the purposes prescribed in the act can be carried out at the earliest opportunity. We wish to again extend our thanks to the chairman and members of the committee for the opportunity to discuss and make our recommendations in regard to this important legislation.

Mr. DINGELL. The Chair is very grateful to the committee, particularly to my good friend, Mr. Pelly, for his presence here today, and with that, the committee will stand adjourned, pending call of the Chair.

The record will remain open for a period of 10 days for insertion in the record of any statements anyone wishes to present.

Gentleman, thank you all.

The committee stands adjourned.

(The material referred to follows:)

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., July 14, 1965.

Hon. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Many thanks for advising me of the hearings being held on H.R. 9424, a bill submitted by the administration for the purpose of making provision relative to migratory birds that are threatened with extinction and also to designate a national wildlife refuge system to be administered by the Secretary of the Interior.

As you know, a few items in this legislation involve the jurisdiction of this committee. First, at page 3, line 14, provision is made for use of funds made available under the Land and Water Conservation Fund Act of 1965 "for the purpose of acquiring lands, waters, or interests therein pursuant to this section that are needed for the purposes of conserving, protecting, restoring and propagating selected species of native fish and wildlife, including migratory birds, that are threatened with extinction." This provision may be an enlargement of the Land and Water Conservation Fund Act which was enacted after long and careful consideration by this committee in that the Fund Act provides that

funds may be made available for the acquisition of land, waters, or interests in land or waters if such acquisition is otherwise authorized by law for specific purposes including "for any national area which may be authorized for the preservation of species of fish and wildlife that are threatened with extinction."

Inasmuch as the Fund Act provisions were arrived at after careful balancing of all factors it would seem appropriate that no indirect amendment of the act should be accomplished and that if amendment is necessary for clarification or enlargement the matter should be brought before the Congress as a proposed amendment to the Land and Water Conservation Fund Act itself and considered by the committee that handled the basic act.

Second, it seems inappropriate to consider general legislation regarding land usage for wildlife refuges and ranges and for the consolidation of particular types of areas into a national wildlife refuge system at the very moment that the same subject has been assigned by Congress for consideration by the Public Land Law Review Commission which was established by the act of September 19, 1964 (78 Stat. 782; Public Law 88-606). The act specifically provides for a comprehensive review of public land laws defining, for the purposes of the act, public lands to include all wildlife refuges and ranges.

Should your committee nonetheless deem it advisable to proceed with the establishment of a national wildlife refuge system at this time, it is strongly recommended you delete that portion of the bill beginning on page 6 at the end of line 16 and continuing through page 7, line 6, continuing a proviso that has the effect of modifying the mining law of the United States. The provision that we recommend striking would allow mining claimants of the future to obtain only the mineral deposit within the units of the national wildlife refuge system and only such use of the surface as is reasonably required in connection therewith. This may well be a laudable objective. However, this has been suggested for specific areas and it has also been suggested in legislation pending before this committee as general law.

One of the primary reasons for the establishment of the Public Land Law Review Commission was to bring together in one place before one group, consideration of all these various proposals instead of continuing piecemeal consideration of various aspects of public land laws. That study of the mining laws and the use of the surface and subsurface of all public lands is at the heart of the Commission study.

The Public Land Law Review Commission held its organization meeting July 14, 1965. A continued fragmentation of problems concerning public lands will only serve to undermine confidence in the work of the Commission. Furthermore, there is no question of the jurisdiction of this committee over any amendment of the mining laws and in view of the fact that general legislation is pending before the committee to accomplish the same purpose the matter is properly one for consideration by this committee.

We recognize that regular program operations must continue during the time of the Commission's study. We recognize further in situations of urgency it will also be necessary to provide innovations in programs during this period. However, in response to my inquiry for information in this matter, the Secretary of the Interior, by letter dated July 14, 1965, did not point to any matter of urgency in this situation but sought to establish a position that urgency "is not the sole criterion for submitting proposals effecting the public lands." We believe that in the absence of demonstrated urgency legislation should await the outcome of the Commission's study.

Your continued cooperation is appreciated.

Sincerely,

WAYNE N. ASPINALL, *Chairman.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 24, 1965.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR WAYNE: This is a formal acknowledgement of your letter of July 14 to the Honorable Herbert C. Bonner regarding H.R. 9424.

As I advised you in regard to that letter, the language to which you referred at page 3, line 14, regarding the Land and Water Conservation Fund Act, is

simply enunciative of the language already included in that statute and provides no new authority to the Secretary of the Interior, nor does it in any way amend, change, or alter the provisions of that statute.

This point was attested to in the hearings by witnesses on behalf of the Department of the Interior who stated this same point and, when published, I am sure you will find that the hearings buttress this statement to your full satisfaction.

I would be derelict in my defense of jurisdiction of the Subcommittee on Fisheries and Wildlife Conservation if I did not point out that legislation dealing with the refuge system for fish and wildlife is properly a matter of concern to that subcommittee, and under the rules of the Congress is given to the Committee on Merchant Marine and Fisheries, of which the subcommittee is a duly constituted part.

While I am anxious always to be cooperative and helpful whenever possible, I do wish you to know that it is my responsibility as acting chairman of that subcommittee, to preserve the jurisdiction of the subcommittee and to protect as fully as I am able, in cooperation with our distinguished chairman, the jurisdiction of the full committee.

With warm good wishes.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

STATEMENT BY MARY HAZELL HARRIS, EXECUTIVE SECRETARY, DEFENDERS OF WILDLIFE

Defenders of Wildlife, a national, nonprofit, educational organization dedicated to the preservation of all forms of wildlife, enthusiastically supports these identical bills. We are pleased that they would greatly broaden and increase the constructive purposes and responsibilities of the U.S. Fish and Wildlife Service; to include the increased protection of our native wildlife, especially those threatened with extinction; to acquire lands for refuges; and related matters.

Our obligation and moral responsibility to keep from extinction all species of wildlife is inescapable, for the human need is universal. The need may be a scientific one, biological and ecological; or an intricately woven economic one; or an esthetic and recreational need. They are all a part of human welfare.

We believe the amendments offered by the National Audubon Society in Mr. Callison's statement would greatly strengthen the effectiveness of these bills. We support the National Audubon Society in the following suggested amendments:

1. On page 5, line 10, delete the period after "accommodations" and add, "when and in such locations, and to the extent that the Secretary shall determine will not be inconsistent with the primary purpose for which the affected area was established."

This should keep facilities for mass recreation out of areas provided for conservation of wildlife.

2. On page 6, lines 5, and 19; page 8, line 22, between the words "vertebrate" and "animals" insert "or invertebrate".

3. On page 7, line 20, delete the word "migratory".

4. On page 9, lines 17 through 22, section 6, delete all.

This would hold to the present existing limitation of 40 percent, the area of any refuge which could be opened for bird shooting.

Defenders of Wildlife urges strongly that these bills be reported favorably out of the subcommittee and the full Merchant Marine and Fisheries Committee. Thank you for the privilege of submitting our views.

SPORT FISHING INSTITUTE,
Washington, D.C., July 20, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN BONNER: Pursuant to my letter to you dated July 7, concerning H.R. 9424, I wish to add a minor constraint to its endorsement of that particular proposal. This follows because repeated rereadings of section 3 of H.R. 9424 suggests it may not be quite clear just what the role of the Federal Government would be, vis-a-vis State prerogatives and responsibilities such that unnecessary confusion or conflicts could arise in the future on this point.

Sport Fishing Institute feels strongly that the action program to preserve "endangered species"—essentially a species and habitat management program—is a prerogative and responsibility belonging first and foremost to the States. It should, we believe, be clarified in the bill that the Federal Government is authorized to take the initiative in this regard only if the States prove ineffectual or unable for any reason to carry out a program as outlined in the bill.

The wording in section 3 of the bill does state that: "In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the several States, and he may enter into agreements with the State for the administration and management of any area established under this program for the conservation, protection, restoration, and propagation of threatened species of native fish and wildlife * * *."

Thank you.

Sincerely,

PHILIP A. DOUGLAS,
Executive Secretary.

AMERICAN MINING CONGRESS,
Washington, D.C., July 21, 1965.

HON. HERBERT C. BONNER,
House of Representatives,
Washington, D.C.

DEAR MR. BONNER: Your committee has before it H.R. 9424 and a related measure which provides for the conservation, protection, and propagation of certain species of fish and wildlife threatened with extinction; and which would consolidate certain authorities relating to the administration of the national wildlife refuge system by the Secretary of the Interior.

Section 4(c) of H.R. 9424, beginning at line 12 on page 6 and following through to line 7 on page 7, provides that the mining and mineral leasing laws would continue to apply to any lands within the national wildlife refuge system to the same extent that they now apply but that any mining claim perfected under the mining laws and any patent issued for such claim, after passage of this proposed act, would convey title only to the mineral deposits and would give the holder of mining claims only such rights to the use of the surface and surface resources "as are reasonably required for carrying on prospecting or mining, subject to regulations as may be prescribed by the Secretary of the Interior," and in any patent issued after passage of this act would reserve all title to the surface of the claims and surface resources to the United States, subject only to the patentee's rights to use so much of the surface of the claim and surface resources reasonably required for prospecting and mining.

The mining industry objects strenuously to the adoption of any such provision. This provision would make a drastic substantive change in existing mining law. Under present law, the rights of a patentee carry with them a fee ownership, in the property patented. The mining industry is, and always has been, opposed to any proposal that would substitute a limited estate in the place of the fee estate provided for under the general mining laws, and amendments thereto. Such proposed limitation of a patentee's estate would inherently involve interference, or a constant threat of interference, with the mining operations and related uses by the patentee of his property, and uncertainty to the patentee's rights, with ever-present possibilities of controversy and litigation.

As you know, the development of mineral resources involves large expenditures of capital. The difficulties in securing venture capital for mining arise from the uncertainty of financial success, and should not be aggravated by uncertainty as to rights, or by the hazards of interference and litigation.

Today particularly, when so much of our mineral production comes from the mining of low-grade deposits, adjacent surface areas are needed for the treatment of the low-grade ores and for the disposition of waste. Many operations involve surface or open-pit mining. Even where a mining operation upon a particular claim is limited to underground operations through a shaft or drift, there exists a practical need to exclude third parties from the property because of the dangers present. Few people who have not had actual experience realize the difficulties which are involved in connection with livestock grazing in the vicinity of a mining operation, or in connection with unrestricted public access about mining operations.

Under existing mining law and prior to patent, the locator of a mining claim has a possessory right and the United States retains title to the property. Assertion of such possessory rights is necessary to the protection of the locator against those who might have other objectives in the filing of subsequent claims in the area.

In 1955, the mining industry joined with conservationists and other users of the public domain to bring about the enactment of Public Law 167, 84th Congress, which restricts the surface usage and surface resource usage by the holder of an unpatented mining claim to those uses necessary to prospecting, mining, and related activities. That law specifically states that rights under any mining claim located after its passage under the mining laws of the United States "shall be subject, prior to issuance of patent therefor, to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States)." This law gives the United States, even under the circumstances mentioned in H.R. 9424, the right to manage surface resources on any unpatented mining claim.

This same law provides that when a mining claim is patented that nothing in this act "shall be construed in any manner to authorize inclusion in any patent hereafter issued under the mining laws of the United States for any mining claim heretofore or hereafter located, of any reservation, limitation, or restriction not otherwise authorized by law * * * or to limit or restrict any use of the lands covered by any patented or unpatented mining claim by the United States, its lessees, permittees, and licensees which is otherwise authorized by law" (69 Stat. 372). The industry then felt in supporting these provisions, and now feels that any mineral patent should represent a title carrying with it the certainty of right and freedom from controversy. The bills pending before you would bring about a drastic change in the basic mining law of the Nation, contrary to statutes now on the books, and would do so without thorough consideration being given to the subject by Congress or by any agency of the Government established for the purpose of considering conflicts between public land laws.

We would suggest to you that Congress has created a Public Land Law Review Commission, which has been duly constituted by action of Congress and by the President, to study conflicts between the various public land laws of the country and to develop recommendations for the creation of a public land law code which would eliminate conflicts between existing laws, remove inequities in administration, regulations and interpretations, and return to Congress the control over the disposition of public lands as was originally intended when the land laws were enacted. We urge you to eliminate the restrictive mining section contained in the bills before you so that this major proposed revision of the mining laws may be thoroughly considered by the Public Land Law Review Commission and by any other committee of Congress which may have jurisdiction over such substantive changes in the mining laws.

We believe language relating to the mining laws appearing at lines 17 through 25 on page 6 of H.R. 9424 and at lines 1 through 6 on page 7 should be stricken from the bill. We urge your favorable consideration of this recommendation.

Respectfully submitted.

W. HOWARD GRAY,
Chairman, Public Lands Committee.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Washington, D.C., July 20, 1965.

Re H.R. 9424, H.R. 8807.

HON. JOHN D. DINGELL,

Chairman, Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Izaak Walton League of America vigorously supports enactment of H.R. 9424, to establish a program to conserve endangered native fish and wildlife species. We believe that the record of species which have disappeared in the face of human activity on this continent, the roster of

species now in serious trouble, and the present pace of land development, combine to underscore the need for such a program.

We also endorse additional "housekeeping" features of H.R. 9424. In fact, this legislation may be regarded as an omnibus national wildlife refuge system bill designed to modernize the mission, and generally to "tidy up" administration and management, of the refuge system.

With that in mind, we respectfully urge that your committee consider amending H.R. 9424 to incorporate provisions of H.R. 8807, which we also support. We believe that H.R. 8807 ought to be part of any overall effort to update administration and management of the national wildlife refuge system.

Sincerely,

ROBERT T. DENNIS,
Assistant Conservation Director, IWLA.

(Whereupon, at 12:15 p.m., the subcommittee adjourned, subject to the call of the Chair.)

MISCELLANEOUS FISHERIES AND WILDLIFE LEGISLATION—1965

Land Disposal—National Wildlife Refuge System

TUESDAY, JULY 20, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 10 a.m., in room 1310, Longworth Building, Hon. John D. Dingell (acting chairman of the subcommittee) presiding.

Mr. DINGELL. The Subcommittee on Fisheries and Wildlife Conservation will come to order.

This morning the Subcommittee on Fisheries and Wildlife Conservation will begin hearings on two bills introduced by me, H.R. 8807 and H.R. 8432, which have to do with the disposal of lands in the national wildlife refuge system.

Early this year the Secretary of the Interior announced plans to close out or reduce in size several hundred thousand acres of lands in the national wildlife refuge system designed to save the Federal Government in fiscal year 1966 approximately \$200,000. To the present occupant of the chair, this appears to be totally inconsistent with the wetlands acquisition program. On the one hand, we emphasize the extreme need for expansion of wildlife refuges and habitat in the face of industrial and residential pressures on land and increased fishing and hunting recreational use and on the other hand we are adopting an attitude of false economy in order to save a few dollars.

The bills to be heard this morning would require the consent of the Migratory Bird Conservation Commission before any lands in the system could be disposed of. It is hoped that the testimony to be offered will be of great benefit to the committee in their consideration of this matter.

Let the bills and the departmental reports appear in the record at this point.

(The bills and agency reports referred to follow:)

[H.R. 8807, 89th Cong., 1st sess.]

A BILL To amend the Migratory Bird Conservation Act to provide that no land contained in the national wildlife refuge system shall be sold, transferred for any other use, or otherwise disposed of without the approval of the Migratory Bird Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Migratory Bird Con-

servation Act (16 U.S.C. 715a) is amended by inserting "(a)" immediately after "SEC. 2." and by inserting at the end of such section the following new subsection:

"(b) (1) No land located within any wildlife refuge, wildlife range, game range, wildlife management area, or waterfowl production area, administered by the Secretary of the Interior through the Fish and Wildlife Service, Department of the Interior, shall be sold, transferred for any other use, or otherwise disposed of—

"(A) without the approval of the Commission, and

"(B) without the payment by the Secretary of the Interior to the migratory conservation fund (established under section 4 of the Act of March 16, 1934 (16 U.S.C. 718d)) of the fair market value of such land.

"(2) Except for a road constructed for the sole purpose of maintaining and protecting any such refuge, range, or area, no road shall be constructed within any such refuge, range, or area—

"(A) without the approval of the Commission, and

"(B) without the payment by the Secretary of the Interior to such migratory bird conservation fund of the fair market value of the right-of-way.

"(3) Any funds transferred to such migratory bird conservation fund under paragraphs (1) and (2) of this subsection shall be used exclusively for the acquisition of areas for migratory bird refuges."

[H.R. 8432, 89th Cong., 1st sess.]

A BILL To amend the Migratory Bird Conservation Act with respect to the disposal of land and interests in land acquired pursuant to such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by inserting "(a)" after "SEC. 2." and by inserting at the end of such section a new subsection as follows:

"(b) Any land or interest in land approved for acquisition or use by the Commission pursuant to this Act shall not be sold, terminated, transferred for any other use, or otherwise disposed of without the approval of the Commission."

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 19, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. BONNER: Your committee has requested the views and recommendations of this Department on H.R. 8807, a bill to amend the Migratory Bird Conservation Act to provide that no land contained in the national wildlife refuge system shall be sold, transferred for any other use, or otherwise disposed of without the approval of the Migratory Bird Commission, and for other purposes.

H.R. 8807 amends the Migratory Bird Conservation Act which authorizes the Secretary of the Interior to acquire by purchase, lease, gift, or devise areas of lands and interests therein for use as inviolate sanctuaries for migratory birds. The act also provides that before the Secretary acquires any lands by purchase he must first obtain the approval of the Migratory Bird Commission which fixes the price at which these areas may be purchased.

The Migratory Bird Conservation Act does not now authorize the transfer or disposition of any lands acquired thereunder. In addition, that act does not authorize the disposition or transfer of any lands acquired or reserved within any wildlife refuge, wildlife range, game range, wildlife management area, or waterfowl production area.

H.R. 8807, however, adds to that act a provision which prohibits the transfer or disposition, presumably under some other authority, of acquired or reserved lands located within any one of these areas without (1) the prior approval of the Migratory Bird Conservation Commission, and (2) the payment by the Secretary into the migratory bird conservation fund of the fair market value of such lands.

Presumably, the latter limitation would be accomplished through the use of appropriated funds.

The bill also prohibits the construction of any road within any of these areas unless (1) such construction is first approved by the Commission, and (2) the Secretary pays into the migratory bird conservation fund the fair market value of the right-of-way. The bill excepts from these requirements roads constructed solely to maintain and protect these areas.

Payments covered into the migratory bird conservation fund by the Secretary can only be used to acquire lands for migratory bird refuges, even though the payments might be derived from lands not acquired or reserved for this purpose.

At the present time, lands reserved from the public domain or acquired for fish and wildlife purposes and incorporated in the National Wildlife Refuge System may be disposed of only if they are surplus to program needs. In that event such lands may be conveyed to a State for fish and wildlife purposes under the act of May 19, 1948 (62 Stat. 240), as amended (16 U.S.C. 667b-667d). Similarly, lands acquired for such purposes and, under limited circumstances, lands reserved for such purposes from the public domain may also be disposed of under the Federal Property and Administrative Services Act of 1949, as amended.

In addition, the act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869-869-4), now authorizes the Secretary of the Interior upon application to dispose of public lands for recreation and other public purposes. This authority extends to public lands within the National Wildlife Refuge System, except those that are incorporated in wildlife refuges.

We have construed the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-666c), as authorizing the Secretary to enter into cooperative agreements for various purposes, including the transfer of fish and wildlife lands to a State for administration and management purposes only.

Section 10 of the Migratory Bird Conservation Act now prohibits certain activities in any area which is "set apart or reserved for the use of the Department of the Interior as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order" except under regulations of the Secretary. This section has been construed to authorize the Secretary to permit rights-of-way for various public purposes, such as roads, pipelines, and telephone lines, subject to such conditions as he deems necessary to protect the wildlife and wildlife habitat within these areas.

In addition, title 23, United States Code, section 317 authorizes the transfer of lands or interests therein owned by the United States to a State highway department for Federal-aid highway purposes, if, in the case of fish and wildlife lands, the Secretary of the Interior finds that the transfer is not contrary to the public interest "or inconsistent with the purposes for which such land(s) * * * have been reserved."

H.R. 8807 would in effect qualify the above disposition and transfer authorities by requiring the prior Commission approval.

The bill is constitutionally objectionable because it contravenes the separation of powers doctrine. The Constitution specifically grants to the executive branch the power to execute all laws, which include, of course, the laws relating to the disposal and transfer of fish and wildlife real property whether surplus or not. This power cannot properly be shared with a commission which includes legislative and nongovernmental members. The President has expressed his views on this subject in his signing statement on the Water Resources Research Act of 1964 and in his recent statement withholding approval of a bill providing assistance to the flooded areas of the Northwest.

Congress has the unquestioned authority to provide for the acquisition, disposition, and transfer of real property of the United States. This is a power of Congress, however, and it does not extend to individual Members, committees, or even one House. Congress could provide for the disposition and transfer of each parcel of surplus land by separate acts. We believe, however, that such an approach would be unduly burdensome to the Congress and impracticable. Congress has recognized this fact by enacting the general surplus property laws.

We believe that the purposes of the Migratory Bird Conservation Act and other statutes relating to the conservation and protection of fish and wildlife can best be accomplished if the Secretary of the Interior is given flexibility in the administration of this program. H.R. 8807 drastically and unnecessarily curtails this flexibility. We think this is undesirable.

It should also be pointed out that H.R. 8807 would change the provisions of section 2 of the Land and Water Conservation Fund Act of 1965, insofar as it

would require the payment into the migratory bird conservation fund, rather than into the land and water conservation fund, of the fair market value of surplus fish and wildlife lands. We are strongly opposed to this change in the fund act.

We recommend against the enactment of H.R. 8807.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program and that the Bureau of the Budget and the Department of Justice concur in the comments made herein on the doctrine of separation of powers as it applies to this bill.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 19, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. BONNER: Your committee has requested this Department's views and recommendations on H.R. 8432, a bill to amend the Migratory Bird Conservation Act with respect to the disposal of land and interests in land acquired pursuant to such act.

In 1929 Congress enacted the Migratory Bird Conservation Act and gave to the Secretary of the Interior broad authority to acquire by purchase, lease, gift, or devise areas of lands and interests therein for use as inviolate sanctuaries for migratory birds. The act also provided that before the Secretary acquires any lands by purchase he must first obtain the approval of the Migratory Bird Conservation Commission which will fix the price at which these areas may be purchased. Approximately 1.4 million acres have been acquired pursuant to this act since 1929.

Although the Migratory Bird Conservation Act does not authorize the disposition of any land acquired thereunder, the bill amends the act to prohibit the disposition of any such lands, presumably under other authority, without the prior approval of the Migratory Bird Conservation Commission.

At the present time, lands acquired under the Migratory Bird Conservation Act may be disposed of only if they are surplus to program needs. In that event they may be conveyed to a State for fish and wildlife purposes under the act of May 19, 1948 (62 Stat. 240), as amended (16 U.S.C. 667b-667d), or they may be disposed of under the Federal Property and Administrative Services Act of 1949, as amended. The bill would in effect qualify such disposition authority by requiring prior Commission approval.

The bill does not apply to fish and wildlife lands that are transferred pursuant to a cooperative agreement to a State for administration and management purposes because such lands are not surplus and the transfers are not dispositions.

The bill is constitutionally objectionable because it contravenes the separation of powers doctrine. The Constitution specifically grants to the executive branch the power to execute all laws, which include, of course, the laws relating to the disposal of surplus property. This power cannot properly be shared with a commission which includes legislative and nongovernmental members. The President has expressed his views on this subject in his signing statement on the Water Resources Research Act of 1964 and in his recent statement withholding approval of a bill providing assistance to the flooded areas of the Northwest.

Congress has the unquestioned authority to provide for the acquisition and disposition of real property of the United States. This is a power of Congress, however, and it does not extend to individual members, committees, or even one House. Congress could provide for the disposition of each parcel of surplus land by separate acts. We believe, however, that such an approach would be unduly burdensome to the Congress and impracticable. Congress has recognized this fact by enacting the general surplus property laws.

We believe that the purposes of the Migratory Bird Conservation Act and other statutes relating to conservation and protection of fish and wildlife can best be accomplished if the Secretary is given flexibility in the administration of these programs. H.R. 8432 would deny this flexibility.

In managing lands acquired for fish and wildlife purposes, including those acquired pursuant to the Migratory Bird Conservation Act, it has become increasingly apparent that some lands which are still valuable for these purposes can be more efficiently and economically managed for such purposes by the States. There are at least three situations where this may occur. First, in some cases the land areas are too small and cannot be managed by the Department in a manner that will adequately develop their program potential. Second, in some cases the lands are in close proximity to State lands which are being managed for identical or similar purposes. We should be able to take advantage of this proximity and thus insure more economical and efficient management. Third, in some situations changes brought about by nature, or man, or both, have resulted in the lands having more local, rather than national significance.

We recommend against the enactment of H.R. 8432.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program and that the Bureau of the Budget and the Department of Justice concur in the comments made herein on the doctrine of separation of powers as it applies to this bill.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

Mr. DINGELL. The Chair notes that Dr. Stanley A. Cain, Assistant Secretary for Fish and Wildlife and Parks is testifying before the Senate committee and will not be here for an hour or so. In order to expedite the business of the committee this morning, the chair will recognize Mr. Charles Callison, assistant to the president, National Audubon Society.

STATEMENT OF CHARLES CALLISON, ASSISTANT TO THE PRESIDENT, NATIONAL AUDUBON SOCIETY

Mr. CALLISON. Thank you, Mr. Chairman.

I wish to apologize to you and the committee for not having my statement mimeographed for distribution in advance.

As you know, there has been a rash—a rash we are happy about—of hearings on conservation bills. I was looking forward to this one being tomorrow. Somehow I got mixed up on my dates.

I am delighted to be here because the subject of the pending legislation is extremely important.

When Congress passed the Migratory Bird Conservation Act and established the Migratory Bird Commission, I am sure it never occurred to the sponsors and supporters of that legislation that one day some of the national wildlife refuges might be given away lightly by unilateral executive action.

Nor could they have foreseen the growth of the land grabbing octopus that exists in today's highway program, an octopus that gets its power from billions of dollars that are poured into the Treasury and into the State treasuries by taxes on gasoline and other taxes on motor vehicle users.

Had the sponsors foreseen these future dangers, I am sure that the safeguards now proposed in H.R. 8807 would have been written into the original act because such safeguards belong by all logic in the law. A Commission to represent the interested executive departments, the States that are involved in the acquisition of lands for the refuges, and the Congress of the United States, was set up to review the proposed acquisitions which have made up the national wildlife refuge system.

Now, by all logic it would be important to have a similar review take place before these lands are transferred to other departments, or to the States, or disposed of in other ways.

I am sure that had the sponsors foreseen these dangers, they would have written such a provision into the law because they recognized, I am sure, as we recognize now, that the vital wildlife refuge system which has been so painstakingly acquired, will never be adequate to the task that it is supposed to do.

There simply do not now exist the opportunities to acquire sufficient areas of habitat to assure the preservation of waterfowl and other migratory bird resources at the levels that the people of the United States would like to use them.

Now proposals originating in the Budget Bureau have demonstrated that the provisions of H.R. 8807 belong in the law as a matter of need.

Economy in Government is good. Economy in Government is an essential form of conservation because the funds that are drawn from the public to operate Government programs come originally from the resources of this land—from the labor of the people and the natural resources of the land—so it is simply a part of good conservation to make certain that Government expenditures are kept as low as possible and are on the basis of real need.

But, the pursuit of savings in money, or the reductions in budgets, solely and blindly for the sake of such reductions can lead to serious mistakes and false economies. The mistakes that are about to be made in the so-called "ratchet operation," a screwing down of the operational expenses and the land areas involved in the refuge system—is a classic example of how false economies can be carried out on what otherwise might be a sound premise.

Our own studies, as we looked into the proposed transfer of lands, or disposals of the areas, show that hasty action is indeed dangerous, and that very careful consideration of all factors is called for before any part of the refuge system is disposed of.

This is all H.R. 8807 proposes to do. It does not, as I read the bill, transfer the authority to manage the lands from the Secretary of the Interior to the legislative branch of the Government, but it does propose a mechanism for securing a very wise review of any such land transfers, or disposals of land, that may be proposed by the executive agency.

When information came to us, Mr. Chairman, about the proposed disposal or transfers of all or parts of 11 national wildlife refuges and game ranges that were at that time on the first list of the Bureau of Sport Fisheries and Wildlife for such reductions or transfers, we asked the State and local Audubon societies in the affected areas to take a good look at these proposals and to advise us in the National Audubon Society as to the advisability, or inadvisability of such transfers.

We have very able people in many of the State and local Audubon societies. There are professional biologists, scientists in various branches of natural history, those who have long been concerned with the operation of wildlife conservation programs, both at the National and State levels. I should like to submit for the record, Mr. Chairman, with the permission of the committee, some of the replies we received.

I would like to read excerpts from some of the replies because they illustrate the point I am undertaking to make today. The point is, we do indeed need some mechanism to assure there will not be hasty unilateral action that can seriously damage or cripple the national wildlife refuge system.

One of the areas proposed for transfer was the great Monomoy National Wildlife Refuge on Cape Cod. The Massachusetts Audubon Society, in a letter written to me by Mr. Allen H. Morgan, executive vice president, started with these paragraphs:

We are greatly disturbed about your letter of April 9. We have objected strenuously to Fish and Wildlife over any thought of abandoning Monomoy, or turning it over to the National Park Service, and we have been assured they have given up this plan. As we understand it, the latest plan is to simply transfer its status to that of being unmanned, which is perfectly all right with us. The fallacy of turning management over to the National Park Service is twofold:

First, based on our observation of how the National Park Service operates, they will spend far more money to patrol the area and otherwise manage it than the Fish and Wildlife Service has ever done. Second, and by far the most serious, is that when the national seashore was established, the proposal was set forth by Fish and Wildlife to turn over Monomoy and include it in the national seashore.

At that time we also endorsed the proposal, but Congress itself, for its own reasons, refused to do so. The intent of Congress at that time is crystal clear in the record, and I cannot imagine that Congress would now allow it to be done when they so recently indicated they thought it would be a mistake.

Mr. Morgan concludes with this point:

In view of the Fish and Wildlife Service's newly broadened concept of its rule to include all wildlife and with special emphasis on threatened species, we cannot see how they can even consider doing anything to affect Monomoy adversely.

Another of our communications was received from Mr. Frank McLaughlin, the executive director of the New Jersey Audubon Society, with reference to the proposed disposal of the Killcohook National Wildlife Refuge in New Jersey.

This is a refuge that was established, Mr. Chairman, on land that was never of great value for waterfowl. It was established on a basis that it could be used by the Corps of Engineers as a place for dumping spoil from dredging operations. This operation has continued and has now practically eliminated any important value of that area for waterfowl purposes. But Frank McLaughlin makes a very pertinent point about such a disposal even though he recognizes the limited or low value of the present area for waterfowl purposes.

He says it should not be released, or disposed of in any manner that would make it available for commercial or housing developments. He sounds this warning because there have been such pressures to see this done, if not directly, by a roundabout route by transfer to the State and then disposal by the State.

He recommended it be transferred to the New Jersey Division of Fish and Game for management as a public hunting area, and he has information that the Fish and Game Division of the State of New Jersey would like to have it for that purpose. But he recommends that the Bureau of Sports Fisheries and Wildlife ought to make certain that in the process it acquires adjacent marshlands that are very valuable for waterfowl purposes, including the nearby Goose Pond

and Mannington Meadows. These lands should be acquired in any operation that involves a disposal or transfer of the lands of the present Killcohook National Wildlife Refuge.

Another illustration of why it is important to have careful study and consideration of any of these proposed disposals comes from officers of the Lahontan Audubon Society, of Reno, Nev., with respect to proposed changes that are now being studied in the boundaries of the Desert Game Range.

I have a letter from Dr. Fred A. Ryser, Jr., associate professor of biology at the University of Nevada at Reno, who is secretary of the Lahontan Audubon Society, which I should like to submit for the record later.

Mr. DINGELL. Without objection, the letters referred to will be inserted in the record at a later point.

Mr. CALLISON. Mr. Christopher M. Packard, the director of the Portland Society of Natural History and Maine Audubon Society, Portland, Maine, makes a telling point in his letter commenting on the proposed transfer, or disposal of parts of the Moosehorn National Wildlife Refuge in the State of Maine.

He says:

In my opinion, it would be economically sound for the Edmunds unit to be maintained by the Federal Government and probably would be a good thing for the Moosehorn. If you are going to have a \$7 sticker, it doesn't make much sense to lease away the only thing in Maine to which the sticker might give the user admittance.

The important point made there by Mr. Packard is another aspect of this overall situation that must be carefully considered. Is it sound economy to transfer parts of the national wildlife refuge system, the use of which could bring important revenue into the Federal Government for the acquisition of other needed areas through the operations of the land and water conservation fund account?

I have here a letter from Mr. Frank Layton, president of the Wyoming Audubon Society, commenting on the proposed boundary changes which would reduce the area of the Pathfinder National Wildlife Refuge:

After much delay, I have obtained detailed information on the planned boundary changes of the Pathfinder National Wildlife Refuge. After study and discussion of the matter with other local Audubon members we have concluded that there is little reason for our opposition to this change.

Due to the great fluctuation of the reservoir from irrigation demands, most of the refuge furnished very little desirable waterfowl habitat and those areas that offer a good habitat are being retained.

The refuge is of little value for any other wildlife.

Another illustration of how important it is to consider all these proposed changes very carefully. This would be done if through the proposed amendment to the Migratory Bird Conservation Commission Act such proposed disposals of transfers of land were subject to the kind of review and study by the Commission.

They would not be transferred or disposed of because of a hasty order from the Bureau of the Budget, the purpose of which was to create the appearance of a record of economy.

The president of the San Bernardino Valley Audubon Society in San Bernardino, Calif., commented, as follows, after an investigation on the proposed relinquishing of land in the Havasu National Wildlife Refuge in the Lower Colorado River Basin:

I have consulted with our conservation chairman, Mrs. Anne Wissler, and several others who are more familiar with the area than I. They have all said that they felt the refuge was necessary for the waterbirds. There are few enough bodies of water in the area east of the Sierras and our coast ranges. To be frank, we resent the expansion of the recreation (boats) groups. They keep asking for more and more areas.

I have alerted the Desert Protective Council who will consider the matter soon and they will let Mr. Dingell know of their decision.

They were aware of your own deep and timely interest in this problem, Mr. Chairman. [Reading:]

They have many professional biologists on their board and their opinion should bear some weight.

These communications I submit for the record. I think you and other members of the committee will find them extremely helpful, and I hope, as a result of their being in the record, they will come to the attention of the people who are considering some of these ill-recommended actions in the executive department.

Mr. DINGELL. Without objection, the communications referred to will be inserted in the record at this point.

(The communications referred to follow:)

MAY 17, 1965.

HON. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: A few weeks ago you wrote me about the 11 national wildlife refuges and national game ranges that were on the first list prepared by the Bureau of Sport Fisheries and Wildlife for reduction in size or elimination through disposal or transfer of all or parts of the affected areas. In order to get the reaction and analysis of the proposals from Audubon leaders in the States and regions where the affected refuges were located, I forwarded the information to the officers of State and local societies. They have returned some pertinent and valuable information which I now transmit to you.

While some of the proposed reductions or transfers of land may not be objectionable, several of them are completely unjustified from the standpoint of the natural resources that are involved, and in view of the conservation purposes for which the refuge system has been established.

We deeply appreciate your own interest and leadership in seeing to it that hasty and ill-informed action by the executive branch of the Government does not result in irreparable damage to the national wildlife refuges. Please feel free to use the enclosed information in accordance with your own good judgment.

The letters or statements provided us by the State and local Audubon leaders, which are enclosed, have reference to the Monomoy National Wildlife Refuge in Massachusetts, the Killcohook Refuge in New Jersey, the Moosehorn Refuge in Maine, the Pathfinder Refuge in Wyoming, the Havasu Refuge in the Lower Colorado River Valley, Arizona and California, and the Desert Game Range in Nevada. The Mr. Frank McLaughlin referred to in the memorandum on the Killcohook Refuge is the executive director of the New Jersey Audubon Society, a very able man with an excellent organization behind him.

In gratitude, and with best personal regards, I am,

Sincerely,

CHARLES M. CALLISON,
Assistant to the President.

MASSACHUSETTS AUDUBON SOCIETY,
Lincoln, Mass., April 12, 1965.

Mr. CHARLES H. CALLISON,
National Audubon Society,
New York, N.Y.

DEAR CHARLIE: We are greatly disturbed by your letter of April 9. We have objected strenuously to Fish and Wildlife over any thought of abandoning Monomoy or turning it over to the National Park Service, and we have been

assured that they have given up this plan. As we understood it, the latest plan is to simply transfer its status to that of being unmanned, which is perfectly all right with us.

The fallacy of turning management over to the National Park Service is two-fold: First, based on our observation of how the National Park Service operates they will spend far more money to patrol the area and otherwise manage it than the Fish and Wildlife Service have ever done. Second, and by far the most serious, is that when the national seashore was established, the proposal was set forth by Fish and Wildlife to turn over Monomoy and include it in the national seashore. At that time we also endorsed the proposal, but Congress itself, for its own reasons, refused to do so. The intent of Congress at that time is crystal clear in the record, and I cannot imagine that Congress would now allow it to be done when they have so recently indicated that they thought it would be a mistake.

We think that the best solution is to leave Monomoy as a national wildlife refuge on an unmanned status, perhaps hiring a local person part-time to patrol it occasionally and keep an eye on it. As indicated above, we would not seriously object to turning it over to the National Park Service and including it within the national seashore, but in doing so we would hope the Fish and Wildlife Service would stipulate that it was to remain as wildlife habitat and in a "wilderness" state to forestall pressure in the future to build a highway over there and develop it for recreation purposes.

I don't understand the Fish and Wildlife Service's very parochial viewpoint, not only as regards land birds but also as regards waterfowl and "game birds" at Monomoy. Shore birds are of course technically classed as game birds, and it is one of the great concentration points on the Atlantic coast for shore birds. It is also one of the great concentration points on the Atlantic coast for the common eider and scoters of all three species. During migration counts range from 75,000 to 500,000 on the shoals surrounding Monomoy and lying between Monomoy and Nantucket—a distance of 20 miles. This may not be on the refuge itself, but certainly the feeding grounds of these birds are importantly affected by the extensive salt marshes and shallow estuarine waters lying behind Monomoy. If extensively modified by dredging, filling, or pollution, it is safe to predict that this would be reflected in a decrease in food supply on the shoals off Monomoy.

Please make the point as strongly as you can that Monomoy is one of the outstanding coastal areas in the United States, both from a wildlife standpoint and from a scenic wilderness recreation standpoint. It is most emphatically not appropriate in the conventional recreation sense: on the west side lie extensive salt marshes and shallow flats that extend half a mile or a mile, making swimming totally impractical; on the east and south lie extremely dangerous shoals and riptides that have made the area a graveyard for shipping—indeed, the hulk of the *Pendleton* is a vivid reminder of this, lying just off shore. In the late thirties and early forties, I remember vividly several occasions when hunters shooting "coot" from Monomoy Point were lost at sea because they tried to retrieve their birds in an open boat and were swept out to sea never to be seen again because they were unable to cope with the extreme tide rip. Adding to the hazardousness of the area, Monomoy is now an island, and the channel at its base is widening and deepening rapidly. Many times, we must cancel our beachbuggy tours of the area because weather makes it too hazardous to reach.

One further point should be made as to its value to shore birds. Bill Drury's radar migration studies utilizing the Air Force's coastal radar units on the Texas towers lying south and east of Monomoy, and at their main installation at Truro, have demonstrated conclusively what we have long suspected—namely, that huge numbers of shore birds fly overland direct from Hudson Bay and James Bay nonstop until they reach the cape. Here they stop to rest and feed for several weeks, with Monomoy by far the biggest concentration point. They then resume their migration following a direct course east of Bermuda over the open ocean direct and nonstop to northeastern South America. As more and more of the shoreline becomes developed and unsuitable as a resting and "refueling" stop for these birds, Monomoy will increase in importance and indeed the survival of significant numbers of 15 to 20 species of shore birds may well lie in the balance.

In view of the Fish and Wildlife Service's newly broadened concept of its role to include all wildlife and with a special emphasis on threatened species, we cannot see how they can even consider doing anything to affect Monomoy adversely.

Sincerely yours,

ALLEN H. MORGAN,
Executive Vice President.

NATIONAL AUDUBON SOCIETY,
New York, N.Y., April 14, 1965.

Memo to: R. C. C.

From: C. H. C.

Re Killcohook in New Jersey

Frank McLaughlin telephoned me Monday, April 12, 1965, to give us his comment on the proposal to dispose of the Killcohook National Wildlife Refuge in New Jersey. He agrees that the present refuge is of little value for waterfowl now because of the dumping of spoil from Army Engineer dredging, but believes that it should not be released or disposed of in any manner that would make it available for commercial or housing development. Instead, he recommends it be transferred to the New Jersey Division of Fish and Game for management as a public hunting area. He has information from Division Director Lester G. MacNamara that they would like to have it. Frank recommends further that we strongly urge Fish and Wildlife Service to acquire the nearby Goose Pond and Mannington Meadows areas in New Jersey (just downriver from the present Killcohook) for a national wildlife refuge that would be truly valuable.

C. H. C.

RENO, NEV., *April 16, 1965.*

CHARLES H. CALLISON,
Assistant to the President,
National Audubon Society.

DEAR MR. CALLISON: Enclosed you will find Fred Ryser's compilation of biological data and references. I have spoken with Frank Groves, former Desert Game Range manager for 9 years during and after World War II, also one of the current managers of this range, in addition to sportsmen that have hunted there in the past.

The Desert Game Range in southern Nevada supports approximately 1,500 desert bighorn sheep. Our information indicates about 90 to 95 percent of the sheep are north of Highway 95, with probably only a few sheep inhabiting the Spring Mountain Range south of Highway 95. According to Mr. Groves this was basically true at the time he was managing the range.

The Spring Mountain area is at present part of the Toiyabe National Forest. Three State highways have been built from Highway 95 west into the Spring Mountains where Las Vegans have their only ski lifts on Mount Charleston. This region is one of the two major outdoor recreation areas for the burgeoning Las Vegas population—second only to Lake Mead. If the 500,000 acres under consideration for transfer to the Bureau of Land Management is this area south of Highway 95, it is the consensus of opinion that there will be no essential change in what is already a de facto recreation area. However, BLM must demonstrate an enlightened broad concept of multiple use by utilizing consultation with biologists most concerned with the region. This would involve setting aside important biological habitats, such as those mentioned in Dr. Ryser's report, that would exclude mass recreational development.

As soon as possible the remaining game range should come into the wilderness system so that we eventually will not have to apply the reasoning in the above paragraph to the acreage remaining.

Several further points of information:

Some cattle grazing, but not as much as in the past, still is allowed in the area north of Highway 95.

Water is extremely scarce and range managers are taxed maintaining watering spots for the sheep. In the past grazers have taken in heavy equipment trying to create cattle watering spots.

Of the 2.2 million acres of the Desert Game Range almost 1 million acres have been usurped by the military and are incorporated in the Las Vegas Bombing and Gunnery Range. There are sheep in this area but according to the range managers no sheep kills have been found in recent years. Nevertheless, range managers are curtailed from this area and must get permission to manage this part of the range from the military and feel they don't get enough management time on this portion of the range.

Last year Senator Cannon introduced a bill that would have opened a portion of the Sheep Mountains which is the most productive portion of the range supporting some 800 to 900 sheep. This sort of intrusion must be avoided absolutely.

Stewart Brandborg was here last week and received a detailed briefing on the Desert Game Range from Dr. James Deacon. He may have additional useful information for you.

Please keep us informed regarding developments.

Best regards,

JOHN M. DAVIS.

UNIVERSITY OF NEVADA,
Reno, Nev., April 16, 1965.

CHARLES H. CALLISON,
Assistant to the President,
National Audubon Society.

DEAR MR. CALLISON: I would like to discuss some of the biological implications inherent in the transfer of 500,000 acres from the Desert Game Range to the Bureau of Land Management in southern Nevada. I have discussed these matters with Dr. John Davis, president of the Lahontan Audubon Society. In addition, I have discussed them with Drs. Frits Went and Hugh Mozingo, both botanists at the University of Nevada at Reno; and with two University of Nevada (at Las Vegas) biologists—Dr. James Deacon, vertebrate zoologist, and Dr. Nelson Williams, botanist. Also, I am aware of the feelings of Prof. Glen Bradley, our mammalogist at Las Vegas.

All of us agree that much of the land to be transferred is already a de facto recreation area. The Spring Mountain (Charleston) Range has been providing over half the population of Nevada (Clark County) with its only winter recreation and its only cool summer recreation for years. Since it is already a very popular de facto recreation area, we would alienate over 50 percent of the population of Nevada if we opposed its transfer. With one exception, all of us are in favor of the transfer. Professor Bradley appears to be opposed to the transfer mainly since some good desert bighorn lambing grounds are involved.

We are all agreed that the transfer dramatically signifies that the remaining $1\frac{3}{4}$ million acres in the Desert Game Range must be given greater permanency. It should not be possible to pare off acres with a mere stroke of the pen. The University of Nevada biologists at Las Vegas believe that the remaining $1\frac{3}{4}$ million acres should be put into the wilderness system. From what I hear, I believe that this reflects the thinking of some of the U.S. Fish and Wildlife biologists.

We are all in agreement that included in the 500,000 acres being transferred are some areas that should not be open to mass recreation. Published scientific studies (as recently as this month) show that the Spring Mountain Range is of great interest and scientific importance to students of biogeography because of its insular, partly endemic, and relict floras and faunas (e.g., "The Breeding Avifaunas of the Sheep and Spring Ranges in Southern Nevada," by Ned K. Johnson, *Condor* 67(2): 93-124, March-April 1965; "Flora of the Charleston Mountains, Clark County, Nevada," by Ira W. Clokey, University of California Press, 1951; "Birds of the Charleston Mountains, Nevada," by A. J. van Rossem, *Pacific Coast Avifauna*, No. 24: 1-65, 1936; "The Mammals of Southern Nevada," by W. H. Burt, transcript of San Diego Society Natural History, 7: 375-428, 1934). Further, the Spring Mountain (Charleston) Range is the only one to go above timberline in southern Nevada.

In our opinion, the area above timberline should be kept intact, and buffered from mass human invasion by a lower zone of restricted access to protect its partly endemic and relict community. The desert bighorn in the Potosi Mountains and Red Rock area, and others if elsewhere, should be protected from the effects of mass recreation. The good lambing grounds, such as Oak Creek Can-

you, should be protected. All the unique and scientifically important natural areas, such as Carpenter's Canyon, should be protected. All this could be done under the "new look" in multiple use in the Bureau of Land Management.

It is my personal opinion that the working biologists with intimate scientific knowledge of the areas involved must be consulted before the final plans are made for the complex of multiple uses. These men should include Deacon, Williams, and Bradley.

Sincerely,

FRED A. RYSER, Jr., Ph. D.,
Associate Professor of Biology.

PORTLAND SOCIETY OF NATURAL HISTORY
AND MAINE AUDUBON SOCIETY,
Portland, Maine, May 11, 1965.

Mr. CHARLES CALLISON,
National Audubon Society,
New York, N.Y.

DEAR CHARLIE: I have now had a chance to look into the Moosehorn refuge situation a bit more, and would revise my thoughts on the matter.

In my opinion it would be economically sound for the Edmunds unit to be maintained by the Federal Government and probably would be a good thing for the Moosehorn. If you are going to have a \$7 sticker, it doesn't make much sense to lease away the only thing in Maine to which the sticker might give the user admittance.

I would not favor exchange of upland for wetland. Actually the Government could probably acquire additional wetland as a gift from the Georgia-Pacific Corp. if they tried. The Moosehorn is a woodcock study area, the only refuge specializing on this species. Potentially it might do work on the spruce grouse, something, in my opinion, that is needed.

The Moosehorn has for a long time been low man on the totem pole insofar as refuges are concerned. It should not be. I have visited a lot of refuges and the Moosehorn is certainly among the finest, in my opinion. I was deeply impressed by my visit.

Sincerely,

CHRISTOPHER M. PACKARD, *Director.*

P.S.—The exchange of upland for wetland is something about which the local people know nothing.

PORTLAND SOCIETY OF NATURAL HISTORY
AND MAINE AUDUBON SOCIETY,
Portland, Maine, April 13, 1965.

Mr. CHARLES CALLISON,
National Audubon Society,
New York, N.Y.

DEAR CHARLIE: In reply to your letter of the 9th with enclosures, the northeast office of the Fish and Wildlife Service put out a news release dated March 4, 1965, stating that a cooperative arrangement had been signed with the Maine Park Commission in regard to the Edmunds unit of the Moosehorn refuge.

This change reflects no change in use policy of the area, and in my opinion it is something that could be supported. I certainly would favor an exchange of upland for wetland habitat in the main part of the refuge. The Maine Park Commission is already speaking of the Edmund unit as a part of the State park complex.

We have a weekend meeting scheduled for the Moosehorn refuge early in May, and I should learn more at that time. However, at the moment I am not concerned about this particular change in the Moosehorn as I feel the quality and character is being preserved in this case.

I would like to see the Federal Government move in the direction of acquiring the York County marshes. This would be a positive act which would have great value. Perhaps Congressman Dingell might talk to Mr. Gottschalk about this. There have been plans drawn up in the Boston office while Mr. Gottschalk was still director of that region.

Sincerely,

CHRISTOPHER M. PACKARD.

[News release from Northeast Regional Office of Fish and Wildlife Service, Mar. 4, 1965]

FEDERAL REFUGE LANDS IN WASHINGTON COUNTY EXTEND STATE PARK PROGRAM

A cooperative agreement has been signed by Federal and State authorities, leasing 868 acres of Federal lands at Dennysville to the State of Maine Park and Recreational Commission.

These lands, part of the Edmunds unit of the Moosehorn National Wildlife Refuge and located in Passamaquoddy Bay east of U.S. Route 1, have recently been developed and equipped as a camping and picnicking area by the Bureau of Sport Fisheries and Wildlife, under a Federal public works project aimed to reduce unemployment in certain areas throughout the United States.

According to Richard E. Griffith, Director of the Bureau's northeast region, the Bureau encourages public recreation on its refuge lands as long as such use does not interfere with the primary purpose of the national wildlife refuge system—protection and management of wildlife. In signing the cooperative agreement turning over the management of this already organized recreational land to the State, Griffith explained that in this particular wildlife unit public interests can be better served by the Bureau concentrating its manpower and funds on the management of wildlife, and depending upon the State for maximum development of the vast recreational potential that resides in this attractive spot on Maine's seacoast.

WYOMING AUDUBON SOCIETY,
Casper, Wyo., April 29, 1965.

Mr. CHARLES H. CALLISON,
Assistant to the President,
National Audubon Society,
New York, N.Y.

DEAR MR. CALLISON: After much delay I have obtained detailed information on the planned boundary changes of the Pathfinder National Wildlife Refuge. After study and discussion of the matter with other local Audubon members we have concluded that there is little reason for our opposition to this change.

Due to the great fluctuation of the reservoir from irrigation demands most of the refuge furnishes very little desirable waterfowl habitat and those areas that offer a good habitat are being retained. The refuge is of little value for any other wildlife.

I hope this information answers your question satisfactorily.

Sincerely yours,

FRANK C. LAYTON, *President.*

SAN BERNARDINO VALLEY AUDUBON SOCIETY,
San Bernardino, Calif., April 25, 1965.

Mr. CHARLES H. CALLISON,
Assistant to the President,
National Audubon Society,
New York, N.Y.

DEAR MR. CALLISON: This is in answer to your letter regarding the relinquishing of the Havasu National Wildlife Refuge. I have consulted with our conservation chairman, Mrs. Anne Wissler, and several others who are more familiar with the area than I. They have all said that they felt the refuge was necessary for the water birds. There are few enough bodies of water in the area east of the sierras and our coast ranges. To be frank, we resent the expansion of the recreation (boats) groups. They keep asking for more and more areas.

I have alerted the Desert Protective Council who will consider the matter soon and they will let Mr. Dingell know of their decision. They have many professional biologists on their board and their opinion should bear some weight.

Very truly yours,

MILDRED SMITH, *President.*

Mr. CALLISON. There is logic behind the enactment of H.R. 8807. There is demonstrated need for it.

We would recommend a favorable report on the bill.

Mr. DINGELL. Thank you very much for a very fine statement.

Mr. Pelly.

Mr. PELLY. I think it is perhaps unfortunate we are sort of getting the cart before the horse here. I would like to hear the justifications that the Department would make and then Mr. Callison's comment on such claims as might be made. That seems to be unfortunate. I do hope following the testimony of the representative of the Department you will still feel free to give us the advantage of your comments on any statements that are made by other witnesses.

Mr. CALLISON. Mr. Pelly, I appreciate that invitation, and I certainly shall keep it in mind and will feel free to submit any additional points that occur to me.

Mr. DINGELL. I would like to say to my good friend from Washington, I think that is a fully appropriate suggestion. I hope any of the witnesses will feel very free, in view of the way the hearing is going this morning, to submit to the committee full comments on the testimony from the departmental witnesses.

The Chair wishes to thank you for your very fine statement this morning.

The next witness will be Mr. Daniel Poole who is here on behalf of Mr. Gutermuth.

Before you begin your testimony the Chair notes that the committee has a communication from the National Wildlife Federation signed by Mr. Thomas Kimball, executive director, commenting on H.R. 8807, and without objection that will appear in the record at this point.

(The letter follows:)

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., July 20, 1965.

HON. JOHN D. DINGELL,
*Acting Chairman, Subcommittee on Fisheries and Wildlife Conservation, House
Committee on Merchant Marine and Fisheries, Longworth House Office
Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Thank you for the invitation and opportunity of commenting upon H.R. 8432 and H.R. 8807, relating to the disposal of land contained in the national wildlife refuge system. Since it is impossible for the National Wildlife Federation to be represented at the hearings, due to conflicting commitments, I would appreciate having this letter made a part of the record.

The National Wildlife Federation believes that the committee should keep two primary principles in mind with respect to these proposals.

First, we have been distressed by recent moves to sell or give away all or parts of units of the national wildlife refuge system, or to divert them to other uses through transfer, or to permit them to be invaded for the construction of highways. While recognizing that some of these changes likely are in the best public interest, we are of the opinion that the national wildlife refuges are as important in the public good as our national parks and should not be disposed of except by act of Congress. The Congress has the constitutional right of determining policy on public lands and we believe this arrangement fully protects the overall public interest.

Second, hunters have many millions of dollars in duck stamp funds invested in units of the national wildlife refuge system. We believe it is only fair that when Congress does dispose of land within the national wildlife refuge system these funds be made available to the U.S. Fish and Wildlife Service to mitigate the loss.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT OF THE WILDLIFE MANAGEMENT INSTITUTE, WASHINGTON, D.C., PRESENTED BY DANIEL POOLE, SECRETARY OF THE WILDLIFE MANAGEMENT INSTITUTE

Mr. POOLE. I am Daniel Poole, secretary of the Wildlife Management Institute. Mr. Gutermuth, the vice president of the institute, was scheduled to be here this morning. He was prevented from attending because of a late development. He is intensely interested in this situation.

Conservationists endorse and support the objectives of these bills, Mr. Chairman. We firmly believe that it is time to strengthen the position of the Secretary of the Interior in administering the national wildlife refuge system. More and more, the refuges are being subjected to increasing pressures of a growing population. The demands that refuges be opened to sometimes disruptive and incompatible uses are increasing, and there is every indication that they will become more numerous in future years.

The Secretary of the Interior is doing a commendable job in resisting these pressures; we are not critical of him or of his agency administrators. Rather, we seek to make the Congress, through the Migratory Bird Conservation Commission, a party to the difficult decisions with which the Secretary is confronted. H.R. 8807, which is believed to be a broader and more desirable approach than H.R. 8432, would make this possible.

Conservationists believe it is in order for the Congress to provide that the Migratory Bird Conservation Commission pass on proposed eliminations from the national wildlife refuge system, including the grants of rights of way and other actions that would divert land and water from primarily wildlife purposes. Congress created the Commission in 1929 to act as its agent—

to consider and pass upon any area of land, water, or land and water than may be recommended by the Secretary * * * for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission.

Later, in 1934, when the Congress authorized the migratory bird hunting stamp (duck stamp) in response to requests by sportsmen for a more reliable source of financial support for the acquisition of wetlands for waterfowl, the expenditure of the duck stamp receipts for land was made subject to the provisions of the Migratory Bird Conservation Act. Over the years, the Migratory Bird Conservation Commission has approved the establishment of many waterfowl refuges and thousands of acres of land have been acquired at the cost of millions of dollars. The investment of duck stamp receipts in land, however, only amounted to less than 14 percent. The bulk of the income was allocated by the Interior Department for research on wildlife refuges and for law enforcement, maintenance, development, engineering, administration, and river basin studies. A 1958 amendment to the Migratory Bird Hunting Stamp Act raised the stamp fee to \$3 and directed that all receipts be used solely for land acquisition and Post Office Department costs in printing and handling the stamps. About \$84½

million was collected for wildlife refuge purposes from the sale of duck stamps through June 30, 1964.

We believe, Mr. Chairman, that the Congress, through its Migratory Bird Conservation Commission, should have the opportunity to pass on refuge dispositions and reductions the same as it passes on refuge additions. We believe, too, that this authority should apply to all elements of the national wildlife refuge system, as is contemplated in H.R. 8807, because duck stamp receipts have been invested in practically every refuge unit in one way or another for land acquisition, research, development, engineering, administration, and law enforcement. In other words, the sportsmen have made an investment in practically every refuge, whether it was acquired with the approval of the Migratory Bird Conservation Commission or through some other procedure, such as a withdrawal of public lands. They believe that the Congress should take the added precaution of assuring that lands acquired, developed, and administered for wildlife purposes subsequently should not be so fragmented or impaired as to undermine the purposes for which they were obtained and developed.

The Institute, in its biweekly Outdoor News Bulletin dated July 2 of this year, commented on H.R. 8807 and a companion bill in the Senate. I would like to quote a few lines from that release in order to demonstrate the need for enactment of this bill.

The Dingell-Metcalf-Hruska bill comes at a critical time. The Bureau of Public Roads and the Alabama Highway Department are advocating the construction of an interstate highway through the heart of the Wheeler National Wildlife Refuge. The Interior Department opposes their road location, but no matter what route ultimately is selected, the road will cut through the refuge somewhere. In recent months, the 65,759-acre Kentucky Woodlands National Wildlife Refuge, on which a minimum of \$32,688 of duck stamp funds had been spent, was turned over to the TVA for a recreation area. Earlier this year the Interior Department slated the following refuge units for disposal or reduction: Havasu, Ariz. and Calif.; Piedmont, Ga.; Moosehorn, Maine; Monomoy, Mass.; Killcohook, N.J.; Bosque del Apache, N. Mex.; Sullys Hill, N. Dak.; Carolina Sandhills, S.C.; Little Pend Oreille, Wash.; and Pathfinder, Wyo. Duck stamp funds have been used in one or more ways on most of the units. Indications are that the department is reconsidering the Carolina Sandhills, Piedmont, Monomoy, and Sullys Hill refuges.

I should add that notice recently was given to a number of Members of Congress that the latter four refuges will be retained. Now to read on:

And finally, there is the impending threat of a congressional action that will harm a small, but valuable national wildlife refuge. The threat lies in S. 20, recently approved by the Senate to create the Assateague Island National Seashore, Md. and Va., that would direct the construction of a main approach highway through the Chincoteague National Wildlife Refuge. Not less than \$134,000 of duck stamp money has been invested in the Chincoteague refuge. The Senate plan virtually would hand the refuge and its natural ocean beach to mechanized outdoor recreation.

Here again, I should add that the amount of duck stamp funds invested in the Chincoteague National Wildlife Refuge is closer to \$500,000. The lesser figures given in the release relates only to funds spent for local acquisition. The remainder was spent for development, research, administration, and all the rest. Another House committee is holding public hearings on the Assateague Island National Seashore in the next few days.

Mr. Chairman, I could go on at some length citing examples why conservationists support H.R. 8807. I will not, however, because the record will speak for itself in this regard.

I wish to conclude by making a few observations about the bill as it is written. I do not know the answers to these questions, but I believe they should be asked in order that the best kind of a measure can be enacted.

First, does the requirement that the Secretary reimburse the migratory bird conservation fund rule out the transfer of funds from Federal and State agencies or from private interests to the Secretary for return to the fund. It would appear that the bill should authorize such Federal transfers to the Secretary and the acceptance by the Secretary of money from all sources for purposes of reimbursing the fund. The point here is that it is non-Interior Department agencies and others that are seeking privileges on the wildlife refuges for the most part.

A second point may warrant clarification. That is in the case of refuges established by Executive order from the public domain or by transfer of lands from some other agency, such as the old Resettlement Administration, the Bureau of Reclamation, or the Army Corps of Engineers. Although these are not acquisition refuges, duck stamp and appropriated funds have been spent on them in furtherance of wildlife program objectives. Under H.R. 8807 as written, it is not clear whether the Secretary would be authorized to recover funds spent for permanent wildlife improvements on refuge areas over which a road right-of-way or some other nonwildlife use is granted. The bill should apply clearly to both lands and to permanent improvements.

Again, Mr. Chairman, I wish to say that conservationists favor the objectives of this bill. It is hoped that H.R. 8807 can be reported favorably from the committee.

Mr. DINGELL. Thank you very much, Mr. Poole.

Mr. PELLY. Mr. Poole, I think I can speak for one member of the committee and say that the questions you have suggested be asked will be asked at the appropriate time. I think we should have the answers.

Mr. DINGELL. The Chair is grateful to you for your appearance this morning. You have made a very fine statement. Thank you very much.

The Chair notes that Mr. Spencer Smith, secretary, Citizens Committee on Natural Resources, is scheduled to appear before the committee this morning. Is Mr. Smith here, or is there anyone here for him?

Mr. POOLE. The House Interior Committee is holding hearings on Guadalupe National Park in Texas, and many persons who would be here may find themselves over there because of the dual interest.

Mr. DINGELL. The Chair notes that Mr. Cain has not yet arrived. We have heard all the scheduled witnesses.

Mr. Kimball will file a statement.

I see that Mr. Gottschalk is here. Are you prepared to discuss the legislation?

Mr. GOTTSCHALK. I would prefer to do it following Dr. Cain's testimony, but if the committee wishes, I would be glad to answer any questions.

Mr. DINGELL. The Chair has the problem of orderly programing. Suppose you testify now.

STATEMENT OF JOHN GOTTSCHALK, DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE; ACCOMPANIED BY LEWIS SIGLER, ASSISTANT LEGISLATIVE COUNSEL, DEPARTMENT OF THE INTERIOR; AND F. G. SPODEN, CHIEF, DIVISION OF REALTY, BUREAU OF SPORT FISHERIES AND WILDLIFE

Mr. GOTTSCHALK. I do not have a prepared statement. This has been developed for presentation by the Assistant Secretary, Dr. Stanley Cain, who is undoubtedly detained at one of the other hearings which is going on at the present time.

Without getting into Dr. Cain's testimony, which relates in large part to the question of the separation of powers, I would like to comment that in our analysis of the refuge program in an attempt to participate actively in the President's program to secure the greatest possible economy, we did seriously consider many of the points which have been raised by preceding witnesses with respect to the innate value of these areas that were being considered for phasing out or possible transfer to other agencies.

We developed a rather lengthy list, actually, and most of them, I think, were clear-cut cases where the wildlife resources on the area simply did not measure up to what we consider to be a real significant conservation area. In some other instances I must say there were differences of opinion within our own staff. It becomes a matter of judgment whether an area is or is not of such significance that it should be retained in the total national effort that is being made to conserve our wildlife resources.

Nevertheless, I can assure the committee that we did our best to select only those refuges where these values would be the smallest in terms of national interest or in which these values could reasonably be expected to be protected by the agency to whom the areas would be transferred.

The Monomoy National Wildlife Refuge in Massachusetts was referred to by Mr. Callison, in quoting from a letter from Mr. Allen H. Morgan, and it would be difficult I think to dispute some of the questions which Mr. Morgan raises in terms of the legislative history of Monomoy, and possibly the cost that would be involved under a different type of administration. I do not think those questions can be answered until there has been some experience. For example, the question of how much the National Park Service would spend or not spend is something we could not determine. However, it looked quite feasible that the Park Service, with a national seashore headquarters a short distance from Monomoy, would be in a position to have a patrolman make an occasional visit down to Monomoy at much less expense than it would cost us to maintain a project, a project leader, and at least two men and during the summer a third man on the property.

Mr. DINGELL. Can you tell us whether or not it was the intention at the time the Monomoy National Wildlife Refuge was established to transfer it to the National Park Service?

Mr. GOTTSCHALK. At no time did we consider closing the area as a refuge. What we considered was a cooperative agreement with the National Park Service to supply administrative supervision over the area.

Mr. DINGELL. That is very different information than was disseminated through the conservation people.

The Chair notes Dr. Cain is now present. Perhaps you would like to sit at his side.

Dr. Cain, the Chair is indeed happy to welcome you for whatever statement you desire to make on H.R. 8807 and H.R. 8432.

**STATEMENT OF DR. STANLEY A. CAIN, ASSISTANT SECRETARY
FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE
INTERIOR**

Dr. CAIN. Thank you, Mr. Chairman.

Mr. Chairman, the bills before this subcommittee are designed to limit the authority of the executive branch to dispose of lands within the national wildlife refuge system. In addition, H.R. 8807 limits the authority of the executive branch to transfer these lands and to grant rights-of-way across them for road purposes. The Department's report recommends against the enactment of these bills.

The national wildlife refuge system, as defined in the recently enacted Revenue Sharing Act, is composed of both public lands and acquired lands. Approximately 86 percent of the lands within the system are reserved from the public domain. In addition, about 6 percent of the lands in the system were acquired by other Federal agencies. About 20 percent of all lands in the system are under the primary or joint control of other Federal agencies.

At the present time, lands reserved from the public domain for fish and wildlife purposes and incorporated into the national wildlife refuge system may be returned to the public domain or released to the agency already having control if they become surplus to the refuge program. Acquired lands may be transferred or disposed of under several authorities. Such lands may be conveyed to a State for fish and wildlife purposes under a 1948 act. The general authority for disposal of acquired lands, including lands acquired for fish and wildlife purposes, is the Federal Property and Administrative Services Act of 1949.

Only a very small percentage of acquired lands in the system have been disposed of under available authorities. In many cases, our "disposals" of lands within the system have been made pursuant to our authority to exchange Federal lands for other lands.

H.R. 8807, however, would prevent us from exercising even limited use of our authorities, including exchange authority, without prior approval of the Migratory Bird Conservation Commission. It would also prevent us from entering into agreements pursuant to which a State would assume the administration and management, but not the title, of an area within the system. We believe that these limitations on the powers of the executive—in this case the Secretary of the Interior—are undesirable and, as the Department's report states, contravene the doctrine of separation of powers.

The Secretary of the Interior is charged with responsibility for carrying out a sound program for the conservation and protection of our Nation's fish and wildlife within the guidelines established by the Congress.

These guidelines are in the Migratory Bird Conservation Act, the Fish and Wildlife Act of 1956, the Fish and Wildlife Coordination Act, and similar conservation statutes. If the Secretary is to carry out this program adequately, he must be able to exercise his judgment, based on his knowledge and experience in administering the national wildlife refuge system. He must have flexibility. These bills are designed to deprive him of flexibility.

In recent years it has become increasingly apparent that some lands which were acquired or reserved primarily for park, recreational, historic monument, or fish and wildlife purposes, and which are still needed for these purposes, can be more efficiently and economically managed by the States for such purposes. There are at least three situations where this may occur. First, in some cases the land areas are too small and cannot be managed by the Department in a manner that will adequately develop their program potential. Secondly, in some cases the lands are in close proximity to State lands which are managed for identical or similar purposes. By transferring administration of these lands to the States, we could take advantage of this proximity and thus insure better management. Thirdly, in some situations changes brought about by nature or man, or both, have resulted in the lands having considerably more local, rather than national, significance. These are the situations where flexibility on the part of the Secretary is needed.

In recent months, much concern and interest have been expressed by conservationists and others interested in our fish and wildlife program about the proposal to phase out, or reduce in size, 11 areas within the system. Six of these eleven areas were proposed to be phased out. Of the six, a determination has recently been made that retention of four is justified as units of the national wildlife refuge system. There will be a reduction, however, in the level of administration and management of the lands of these four refuges. The management, but not the title, of the Little Pond Oreille National Wildlife Refuge was transferred to the State of Washington on July 1 of this year. Full jurisdiction of the lands of the Killcohook National Wildlife Refuge in New Jersey will be returned to the Corps of Engineers. All of these 11 areas will be retained in public ownership.

We believe that the judgments reached are sound and will further the purposes of the program. Let me assure you that it is our aim to provide for the most efficient and economical administration of the entire system.

With respect to the provisions of the bills relating to payment into the migratory bird conservation fund of the fair market value of any lands or rights-of-way, we believe that the provisions are undesirable. They are contrary to the principles set forth in the Land and Water Conservation Fund Act of 1965, where Congress has provided that the proceeds from the sale of any surplus property shall be deposited in the land and water conservation fund. The money in that fund can be used for our proposed endangered species program, among other purposes. These provisions of the bill are also contrary to the principles of the Federal-aid Highway Act which provide that, where a right-of-way across Federal lands is needed for the Federal-aid highway program and can be granted without detriment to the purposes for which such lands are in Federal ownership, it should be granted without cost to the State.

It also seems clear that where a transfer of administration, but not title, as in the case of the Little Pend Oreille National Wildlife Refuge, is in furtherance of the purposes of the program, the State should not be required to pay the fair market value of the refuge.

In conclusion, Mr. Chairman, we think that these bills are highly undesirable from the viewpoint of good administration and sound conservation. In addition, as we have previously stated, they are constitutionally objectionable. We therefore recommend against the enactment of these bills.

Thank you.

Mr. DINGELL. Thank you, Dr. Cain. Mr. Pelly.

Mr. PELLY. Dr. Cain, I am curious as to the constitutional aspect of this proposed legislation with reference to any language that would give the Commission responsibility for passing on the various transfers without veto authority, in other words, to give them a responsibility to evaluate the wisdom of the Department's decision?

Dr. CAIN. This suggests the Commission would be in a consultative or in an advisory position. This is a new idea to me, Mr. Pelly. I do not know whether there is any precedent, for commissions of this sort, mixed administrative and legislative bodies, to be strictly advisory and without power.

Mr. PELLY. Certainly there is a precedent for advisory commissions but I know of no precedent for a commission that would have absolute authority to veto. I would think it would take somebody with more legal knowledge than mine to know if it actually violates the Constitution. I will let Mr. Dingell, who is a constitutional authority, express his opinion on that.

I would like to clarify in my mind your justification for not reimbursing the migratory bird conservation fund when you are transferring property to another agency when, in turn, the funds would come out of this fund?

Dr. CAIN. I believe—and perhaps I would wish to ask for a legal opinion on this—the Land and Water Conservation Fund Act, which is the more broad and general one, provides that the proceeds from the sale of surplus Federal properties, when sold, shall be placed in that fund. If the Land and Water Conservation Act is a general authority, this would be a special departure for which we see no reason. In any case the Department is authorized to use funds from the Land and Water Conservation Fund Act for purposes of the Fish and Wildlife Service, for example, with respect to rare and endangered species. This is a general authority.

Mr. PELLY. If you invested the funds in an area that would be transferred, for example, to the Corps of Engineers in their operations, the question is whether or not there would be any reimbursement for facilities built on that land?

Dr. CAIN. Mr. Chairman, may I ask Mr. Sigler to come up for consultation?

Mr. DINGELL. You certainly may and anyone else you wish.

Dr. CAIN. Mr. Chairman, I would like to have Mr. Sigler answer that question for me.

Mr. DINGELL. That would be very appropriate.

Mr. SIGLER. Mr. Chairman, I can suggest two considerations that I think might give you an answer to the question Congressman Pelly raised.

First, we are talking about the disposition of title to lands that are surplus to the needs of the program. Once the money has been spent, and the lands have been acquired, and the lands have served their purpose and are no longer needed for that program, then the lands are surplus. That is the kind of land we are talking about. When it comes time to dispose of that land, under the general policy laid down by Congress the proceeds do not go into the original appropriation account out of which the lands were bought. Up until recently they went into miscellaneous receipts of the Treasury. The Land and Water Conservation Fund Act modified that general law by saying the proceeds from the sale of surplus real property would go into the land and water conservation fund and be used to further the broad program that Congress has just authorized.

So my first point is that the proceeds from the sale of surplus property normally do not go back into the original account from which the lands were bought.

The second consideration I would like to call to your attention is that one of the bills under consideration applies to all lands within the wildlife refuge system. About 86 percent of these lands come from the public domain. They are not acquired lands. They were not bought with duck stamp money. So in terms of relative figures we are speaking of the sale as surplus property of a comparatively small portion of the refuge lands bought with duck stamp money.

Those are the reasons that occur to me why the money should not go back into the duck stamp fund.

Mr. PELLY. I had in mind the testimony before you arrived of the Wildlife Management Institute. I think you have answered my question. I think the transcript of the testimony should certainly clear up the point also as to whether the Interior Department agencies and others will be reimbursed.

Another question raised was under H.R. 8807 as written. The statement was made by the witness it was not clear whether the Secretary would be authorized to use funds for permanent wildlife improvements. I take it your answer is there would be no reimbursement, that these facilities have served their purpose?

Mr. SIGLER. There would be no reimbursement for the facilities as a separate property interest. If the lands were sold as surplus property the improvements on the land would go with them and be a part of the purchase price.

Mr. PELLY. I think I will let Mr. Dingell pursue it from there.

Mr. DINGELL. Mr. Keith.

Mr. KEITH. Dr. Cain, how long have you been an Assistant Secretary for Fish and Wildlife?

Dr. CAIN. I have been Assistant Secretary for Fish and Wildlife since the 1st of March, about 41½ months. Parks were added on and I got the new title of Assistant Secretary for Fish and Wildlife and Parks about a month ago; I do not remember the exact date.

Mr. KEITH. What was your background before you were given this assignment?

Dr. CAIN. It has been mostly in the academic field. I am presently on leave of absence from the University of Michigan at Ann Arbor, where I am professor of conservation.

Mr. KEITH. How does the word "parks" relate to outdoor recreation areas?

Dr. CAIN. This Assistant Secretaryship has three bureaus—Commercial Fisheries, Sport Fisheries and Wildlife, and the National Park Service. The Sport Fisheries and Wildlife Bureau and the National Park Service are very much recreation agencies with a long history. The Bureau of Outdoor Recreation, as you know, is a new agency which is not a land and water management agency but a different kind of agency.

Mr. KEITH. Do you exercise any authority over the policy of the Bureau of Outdoor Recreation for operations?

Dr. CAIN. Not directly. Because the Bureau of Outdoor Recreation is within the Department of the Interior, however, it is in constant consultation with the bureaus under my supervision. It also serves as staff to the Recreation Advisory Council.

Mr. KEITH. They report directly to the Secretary?

Dr. CAIN. The Recreation Advisory Council is an interagency body which has an overview over many departments regarding recreation programs.

Mr. KEITH. They have an overview?

Dr. CAIN. That is right.

Mr. KEITH. Does that mean they are over you in that overview?

Dr. CAIN. They are Cabinet officers and they establish the major outlines of policy under which the Department operates.

Mr. KEITH. With reference to the specific operation of a game refuge or outdoor recreation activity, the administration of those subordinate agencies are under your direction?

Dr. CAIN. In part, Mr. Keith. There are many agencies which have land and water management responsibility that are now engaged in recreational activities. The National Park Service is conspicuously so engaged with its parks and monuments and historical sites and seashores and so on. These are all for the public use and they are all for recreation in a broad sense. In the Bureau of Sport Fisheries and Wildlife the wildlife refuges were started primarily for, and the Government aided in, the restoration of game populations which were diminishing. It was in effect a conservation movement in the conservation sense, but as time has gone on and some of these refuges have seemed to have many uses besides this, Congress has authorized the expansion of refuge programs so that the property may be used by the public under restrictions set by the Government for picnicking, bird watching, and so on, and under reasonable conditions for hunting—normally they were open 20 percent for hunting and more recently that has been increased to 40 percent—when these purposes are not inimical to the purposes for which the areas were established.

The Forest Service, of course, is very active in developing recreation programs and the Department of Defense is also interested.

Mr. KEITH. I think this multipurpose use of public lands is understood by the Congress, and in the shaping of legislation dealing with national parks and seashores they recognize the multipurpose nature. We oftentimes circumscribe the activities in our legislation so that a prime purpose will not be weakened by a secondary purpose, and the area in which a seashore and park is located will not

be adversely affected by the overuse of a particular national park or seashore. I will return to that in a few moments, but you mentioned the need for flexibility, and I represent the district in which the Monomoy National Wildlife Refuge is located and I want to recount for your benefit as a new Assistant Secretary our problems in this particular case.

Residents of my district had some inholdings that had been in the family for some years. By admission of the supervisor of Monomoy, they were not adverse to the interests of the public. They were the kind of holdings to which you refer in your release of July 14 about the problem involving private occupancy of cabin sites on federally owned fish and wildlife areas. The release in which you invited public comment.

Last fall your Department, or the bureau dealing with Monomoy, directed demolition of these cabins, in accordance with their rights and perhaps their responsibilities. We pleaded for time and we pointed out the services that were rendered by these people and also the things which you mentioned in your memorandum of July 14, but those cabins were ruthlessly plowed under within the last 4 or 5 months.

This is a most embarrassing situation for a Congressman who has pleaded for time. We had to seek an audience with the agencies under most difficult circumstances and we were denied, although enough extension of the deadline was given to give some hope to these people. I would say as recently as 2 months ago the last cabins were finally demolished, and then you come along and say in the directive of July 14:

Permits for use of Government-owned cabins on these public sites automatically would be renewed annually before January 1, 1968. All such permits would be terminated on that date.

I trust under your administration you will not permit the kind of confusion and lack of confidence that comes from a complete reversal of policy within a period of 2 or 3 months' time. It is embarrassing to me to defend the position of the Government to my constituents, and it is embarrassing to me to present their case to you—not to you but to your agency—and have such contrary response to that which becomes policy just 2 or 3 months later.

If you care to comment I would be glad to have you do so. I think it is just one of those things, frankly, and it is an embarrassment.

Dr. CAIN. I cannot comment very meaningfully about the particular case you brought forward because I am not familiar with it.

The rules which you referred to that have been recently promulgated with respect to rental cabins are for the Department as a whole. They were signed by the Secretary, and refer to lands of any of the Interior agencies. They were for the purpose of clarifying both the Government's position and the individual's rights.

The Monomoy situation I think has been a confused one. It was included in the list of refuges that were to be modified in management terms, either reduced in size or in some cases phased out, and it is one of those with regard to which the Department reversed its original position.

Mr. KEITH. May I say, in view of the fact you contemplated phasing out your responsibility in that area, it would have been very logical

for you to have let these cabins remain for the remaining month or two and let the successor agency, State or Federal, have the responsibility for that. But for a period of just a month or two you denied to those tenants the right to continue to occupy these properties, which had been in their families for years, and exercised your dying breath—so to speak—to adversely affect not only the private interest but now perhaps the public interest.

You talk about the need for flexibility in exercising the judgment of your agency. I am all for advisory commissions with more powers than they now have, because it is very necessary where you have a change in administration or administrators, and commissions are very responsive to the public's needs. I think they can help you share your load with other governmental agencies in implementing policies. They can be instructive and they can help mold public sentiment along the lines you would like to have it molded. When you take the authority on your own you lose something, particularly if you change your policies in such periods as you have.

I do not know how much time we have. I do not want to preempt anybody else's time, but I would like, perhaps later on, to discuss another matter more fully.

Mr. DINGELL. We will proceed with questions on this legislation and see how much time we have left.

Mr. Reinecke, do you have any questions in regard to this pending legislation?

Mr. REINECKE. No.

Mr. DINGELL. Dr. Cain, there were originally scheduled to be closed 11 refuges; is that correct?

Dr. CAIN. Yes.

Mr. DINGELL. The 11 scheduled for closing were: Moosehorn National Wildlife Refuge in Maine; Killcohook National Wildlife Refuge in New Jersey; Monomoy National Wildlife Refuge in Massachusetts; Carolina Sandhills National Wildlife Refuge in South Carolina; Piedmont National Refuge in Georgia; Sullys Hills National Game Preserve in North Dakota; Havasu Lake National Wildlife Refuge in Arizona; Pathfinder National Wildlife Refuge in Wyoming; Bosque del Apache National Wildlife Refuge in New Mexico; Desert Game Range in Nevada; and Little Pend Oreille National Wildlife Refuge in Washington.

Is that correct?

Dr. CAIN. Yes, sir.

Mr. DINGELL. Were these originally scheduled for closing or disposal as surplus Federal property or for transfer to other agencies?

Dr. CAIN. The original decision was made before I became Assistant Secretary.

Mr. DINGELL. That decision was what?

Dr. CAIN. That these 11 areas would not be retained under full management by the Fish and Wildlife Service as they had been. I understand that of these there were six cases in which the original proposal was that they be transferred to other agencies of government, either Federal or State, to be retained in public use. That was the original proposal.

Mr. DINGELL. All of them were to be retained in one form of public use or another?

Dr. CAIN. I so understand; yes.

Mr. DINGELL. What ones did your Department determine should continue to be retained within the refuge system?

Dr. CAIN. I will give you a brief history since I got into this, Mr. Dingell.

When questions were asked me by Members of Congress or by interested persons in the public why certain refuges were being phased out, I then looked carefully particularly at the ones that were brought forward as questionable. One particularly had caused a great deal of interest, and that was the proposed phasing out of the Piedmont National Refuge in Georgia. When I studied that case, and also the case of the Carolina Sandhills National Wildlife Refuge in South Carolina, I thought they should be maintained in the national wildlife refuge system. Although they were not of great importance for migratory birds they were good nonmigratory bird and mammal refuges and constituted demonstration areas of what management procedures can accomplish. These were lands I believe were acquired from the old Agricultural Resettlement Administration; they were in effect wornout agricultural lands and in 25 years they have been made highly productive game lands.

Mr. DINGELL. For large game also, such as deer?

Dr. CAIN. Some deer.

Mr. DINGELL. Turkeys?

Dr. CAIN. Yes. So I recommended to the Secretary in effect that the position be reversed on these two areas and that we should retain them in the system.

Now, the situation with respect to Sullys Hill is very different. It is a small area, scarcely of national interest, and the reason for retracting on that one is the problem of title. It is an obscure title situation and the obscurity does not bother anybody so long as Fish and Wildlife continues to manage it, so we ducked that one by retaining it.

I cannot give you the specific reasons for changing our minds on Monomoy. Mr. Gottschalk?

Mr. DINGELL. I think the committee would like to know why you changed your mind on Monomoy.

Mr. GOTTSCHALK. I think I answered your question, before Dr. Cain came in, on the point of whether we ever considered transferring Monomoy to the National Park Service.

Mr. DINGELL. That was Mr. Keith's question.

Mr. GOTTSCHALK. No. Mr. Keith had not come in yet. What we had never considered was transferring Monomoy to the National Park Service to become part of the national seashore.

Mr. DINGELL. You say you had never contemplated that?

Mr. GOTTSCHALK. We had never contemplated that. What we had contemplated was asking the national seashore administration, under cooperative agreement, to provide the patrol and other surveillance responsibilities for that area. The reason we reconsidered is because in the light of the more recent thinking about the total role of our Bureau in the broad conservation picture we recognized that the importance of Monomoy to migratory birds other than waterfowl was very significant and that it would continue to have those values accentuated more under our direct administration than if we transferred it to the national seashore administration.

Mr. DINGELL. I propose to ask justification for each instance in which you changed your mind and also for those you propose to close. My question at the moment is simply what ones have you determined to keep open which you had previously determined to close? You mentioned Piedmont, Carolina Sandhills, Sullys Hill, and Monomoy.

Mr. GOTTSCHALK. That is correct.

Mr. DINGELL. Those four?

Mr. GOTTSCHALK. Yes.

Mr. DINGELL. Has there been any change of mind with reference to any of the others originally scheduled for closing?

Mr. GOTTSCHALK. There has been no change of mind with respect to the plan originally proposed for the other areas. None of the others with the exception of Killcohook were to be closed. For example, we intend to proceed with the transfer of a part of Moosehorn, but Moosehorn Refuge will continue in existence.

Mr. DINGELL. That was not the original schedule?

Mr. GOTTSCHALK. Yes, sir.

Mr. DINGELL. You had some scheduled to be closed in part?

Mr. GOTTSCHALK. Yes. This would fall in that category.

Mr. DINGELL. Which ones were to be closed in part or disposed of in part and to which agency did you propose to dispose of any or part of them?

Mr. GOTTSCHALK. Starting with Moosehorn National Wildlife Refuge in Maine, a part of the Edmunds unit would be transferred for administration to the Maine Park Department. The bulk of the refuge, namely, 20,000 acres, would remain as the Moosehorn National Refuge under our administration.

The Killcohook National Wildlife Refuge in New Jersey would be transferred in toto to the New Jersey Fish and Game Department through the Corps of Engineers.

The Havasu Lake National Wildlife Refuge in Arizona would be reduced by approximately 16,950 acres of arid land adjacent to the river but not including any of the water areas within that refuge. The remainder would continue as the Havasu Lake National Wildlife Refuge.

The Pathfinder National Wildlife Refuge in Wyoming would be reduced by approximately 32,000 acres but would continue with some additions of other land needed for purposes as the Pathfinder Wildlife Refuge.

The Bosque del Apache National Wildlife Refuge in New Mexico, we would release approximately 35,000 acres of arid upland to be administered by the Bureau of Land Management of our Department, retaining the bottom lands along the Rio Grande River.

The Desert Game Range in Nevada, we would release 500,000 acres to both the Bureau of Land Management and the Forest Service, retaining approximately 2 million acres in the Desert Game Range.

Mr. DINGELL. The Desert Game Range was set up to protect what?

Mr. GOTTSCHALK. Desert bighorn sheep.

Mr. DINGELL. How much of this land which you released is the habitat of the desert bighorn sheep?

Mr. GOTTSCHALK. The present herd does not occur in the area we are proposing to transfer to the Bureau of Land Management and the Forest Service.

Mr. DINGELL. Is that south of the road?

Mr. GOTTSCHALK. Yes.

Mr. DINGELL. How much of that land south of the road could be developed for the desert bighorn sheep?

Mr. GOTTSCHALK. It is questionable whether any portion could be adequately developed for the desert bighorn.

Mr. DINGELL. What about the Alpine country?

Mr. GOTTSCHALK. As a matter of fact, the Alpine country, as I understand it from descriptions which I cannot verify from personal experience, is such that at the moment it is more attractive to the tourists and people from Las Vegas than to the desert bighorn sheep. It is an area that is even more of the mountain type than the desert bighorn sheep normally occupy, and the herd we have at the present time, which is administered cooperatively with Nevada and which is hunted, lies substantially to the north of the road and the 500,000-acre tract we are talking about here. I discussed this with Dr. Gabrielson who was in the Bureau at the time this was acquired and he told me he felt there was some question about the justification for having included this at the time the area was set up.

The last one is the Little Pend Oreille in the State of Washington. This area is proposed to be transferred in toto, as Doctor Cain indicated in his testimony, to the Washington Game Department. In fact, a letter of transfer was approved by the Secretary on July 1. The title would not be transferred to the State, it would be transferred for administrative purposes.

Mr. DINGELL. With the understanding that it would be only for so long as it was managed for wildlife purposes and if used for any other purposes, it would revert?

Mr. GOTTSCHALK. I do not have the text with me.

Mr. KEITH. Mr. Chairman, would you ask the clerk to read that portion of Mr. Gottschalk's testimony that the intent was not to close out Monomoy?

(Thereupon, the reporter read the portion of the testimony referred to.)

Mr. KEITH. Here is how this can affect the people in an area. Here is a newspaper article "Monomoy Refuge Area Scheduled for Closing." It reads:

Interior Department plans to close the Monomoy National Wildlife Refuge at Chatham and make the area available to the National Park Service were announced today and brought an almost immediate protest from Representative Hastings Keith.

The Interior Department announcement said the Government plans to close the Monomoy Refuge and may decide to add the acreage to the Cape Cod National Seashore as a wildlife-oriented recreation area. The Department, in explaining its plans, said Monomoy, no longer has a "highly significant" use as a habitat for migratory waterfowl.

The refuge was established—

and so forth.

This was on top of all the efforts to get the inholdings out of the place. This is certainly conveying the impression to my constituents that they no longer have an important role to play.

This is a part of my files on this subject [indicating] and it was all prompted by this particular release. I have had to defend the Gov-

ernment's position and it has been difficult because it does not make sense. Mr. Chairman, I would like to have made a part of the record this release of the U.S. Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, dated July 14, 1965.

Mr. DINGELL. Without objection it is so ordered.

(The release referred to follows:)

[News release from Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, July 14, 1965]

UDALL PROPOSES SOLUTION TO PROBLEM OF PRIVATE OCCUPANCY OF INTERIOR DEPARTMENT WILDLIFE AND PUBLIC RECREATION AREAS

Secretary of the Interior Stewart L. Udall today announced proposed plans designed to solve a growing problem involving private occupancy of cabin sites on federally owned fish and wildlife areas and public recreational lands administered by his Department. He said he welcomes public comment regarding the proposed policies.

Permits for cabins have been issued in the past on several national wildlife refuges and Federal recreational areas. These residences normally fall into one of two categories—privately owned and located on public lands under a departmental permit, usually for not longer than 20 years; or Government-owned buildings acquired with the land and privately occupied under a yearly permit.

In making the announcement, Secretary Udall said:

"The Fish and Wildlife Recreation Act of 1962 and related departmental policies make it clear that conservation areas administered for fish and wildlife purposes as well as other public areas where the private use of Government or private cabins has been permitted, are areas intended primarily for public, not private, recreational use."

Basically, the proposed new policies would require that no permit for a privately owned cabin be terminated before or renewed after, either January 1, 1971, or 20 years from the date of substantial improvements to the property, whichever is later. Where substantial improvements have been made on the property, permits expiring before January 1, 1971, would be extended to that date or until there has been 20 years' of use of the improvements.

No permits would extend beyond July 1, 1985.

Voluntary or involuntary transfers of permits, including transfer by sale or death, will be allowed only within the specified time limits. Permits will be terminated without renewal should the residence go unused for more than 1 year, unless the nonuse resulted from death of the permittee. In the case of a permittee's death, the sale or transfer of the cabin may be made for the unexpired portion of the permit.

Permits for use of Government-owned cabins on these public sites automatically would be renewed annually before January 1, 1968. All such permits would be terminated on that date.

Until a permit has terminated, the occupant will be allowed to remove his improvements, subject to conditions of the permit. This would include the requirement that the land be left in a reasonably unimpaired condition.

The proposed policies, which are being published in the Federal Register, do not affect occupancy by private individuals whose rights were reserved by court action.

"This proposal is designed to strike a balance between the need for public recreational use of these areas and fair treatment of private individuals who, in many cases, have a substantial investment in cabins or other improvements," Secretary Udall said. "The basic occupancy period provided by the existing permits is 20 years, and 20 years' use appears to be a reasonable period of time within which a permittee might recover or amortize his investment."

Comments on the proposal may be directed to the Department of the Interior for a period of 30 days from the date of publication in the Federal Register. These comments will be studied carefully before final adoption of a departmental policy regarding these occupancy permits, Secretary Udall said.

Mr. KEITH. I just want to introduce in the record of these hearings for the benefit of Dr. Cain the long-range implications, the critical

implications, and the public relations aspects of these pronouncements made without consultation with Congressmen, who could help you in your dealings with the public and could acquaint you with what the people think the purposes of these areas should be. This is to me just a small portion of my problem. I have my biggest problem with the fact the national seashore on Cape Cod has been arbitrarily classified as a recreational area. We have several classifications for the operation of national parks. Our legislation, the Cape Cod National Seashore Act, says the primary emphasis should be on conservation and the word "recreation" is not in the legislation establishing the national seashore. The reason I supported this national seashore was because I was concerned about conservation. The Department is gradually departing from the conservation purposes.

This is something, Dr. Cain, I want to talk to you about. I am very much concerned about a secondary purpose achieving the same stature as the primary purpose and adversely affecting the primary purpose.

Mr. DINGELL. I would say to my friend that this is not with regard to the refuge system and the preservation of rare game species. A year or so ago we passed a bill sponsored by the distinguished minority Member from Iowa, Mr. Jensen, requiring that wildlife refuges be used for other purposes only so far as they were appropriate, and the bill set out lines of demarcation as to the circumstances and what preparations were to be made to receive these things. I have read the regulations of the Park Service many times and I want to say to the gentleman that unless the Park Service has radically changed its regulations, recreation is to be incidental to and carried out in such a way as to not interfere with the preservation of areas for species of wildlife and also its geographical and historical characteristics. I hope you will bear this in mind: If we do not start doing some protecting we will not have anything to conserve.

Dr. CAIN. Mr. Chairman, if you would permit, I would like to comment on the question just raised. It won't take very long.

It is quite true that the Organic Act which established the National Park Service in 1916 does have a duality within it—to preserve the natural features, whatever they may be, for the pleasure of the people. One of the points you have just raised is, sometimes the pleasure of the people aspect destroys the natural features for which an area was established. The Park Service has changed through the years, as any agency would, and has come in the last 2 years to the recognition of three kinds of areas. One includes the great national parks and monuments where the primary purpose was preservation of natural features.

The second was also primarily for preservation, and these are archaeological and historic relics and sites. The third is for recreation. This is very clear. This has been done to the National Park Service by Congress as various kinds of legislation have been passed, and as various responsibilities have been handed to the service—such as, for example, the management of recreation on reservoirs which have been produced by the Bureau of Reclamation. So the picture gets very confused.

Mr. KEITH. You remind me of the minister talking to his congregation about the fellows who aren't there. Mr. Dingell and I are, I think,

very conscious of this. My files on this subject in support of the argument you are making would reach to the ceiling of this room. I have sweated this thing out. We recognize these things you are talking about and we are in accord.

The Congress, as they seek to serve their constituency, present and future, determines what kind of an organization they think there should be to administer under certain sets of laws which will be implemented by regulations, and they try to shape this so as to make certain there is the happy combination of conservation, historic sites, and recreation.

Dr. CAIN. We hope very much that this concept of the three kinds of national park areas—although they might be described in 15 different terms—will go to a great distance to help the preservation of the great national parks and monuments by keeping recreational developments out of them.

The other point I would like to make is that it is a very important problem with respect to national wildlife refuges that multiple use does not impair the initial purpose for which Congress establishes a refuge: the wildlife purposes. This comes down to an administrative problem of how can you permit certain recreational uses on a wildlife refuge without impairing the initial purpose. We are just as anxious as anyone not to impair the value of wildlife refuges for wildlife.

Mr. KEITH. We are tangled up, and this is most important—an honest effort on the part of the Secretary of the Interior to administer the national parks and seashores in a uniform fashion. He has published a directive establishing three categories. One his historic; another conservation; and a third, the recreation.

Dr. CAIN. Right.

Mr. KEITH. And he has arbitrarily put the seashores in the recreational category. In the administrative doctrine published by the Park Service dealing with the administration of these areas it says in a final paragraph, or sentence, that in the absence of legislation, or regulations to the contrary, every incidental activity shall be devoted toward the primary recreational objective.

You have a great inconsistency in this area because it belongs in the conservation area with the secondary consideration being historic and the tertiary recreational. As it stands now, everything has to be recreational. We know the present Secretary and the present Assistant Secretary are very cognizant of the conservation aspects of the legislation passed, but as time marches on and we have different administrators of this program, they can take a look at the law, or a look at the administration directive, and it takes a lawsuit and an act of Congress, in effect, to change a policy that may reflect a personal philosophy. That is why I am so concerned about this meaning of recreation, as opposed to conservation and historic sites.

MR. DINGELL. Let me ask you a few more questions. I would like for you to submit to the committee in appropriate form the types of use by Fish and Wildlife of resources in connection with each one of the 11 refuges we were discussing today insofar as birds and animals and fish are concerned, and the amount.

I would like to have you give us the number of jobs to be saved by the proposed regulations as first issued, and subsequently as modified, and the amount of money that would be saved.

I would like to have you give us, also, the refuge receipts from these several refuges, including grazing, timbering, recreation, concessions, and others. In connection with this, I would like to know how much could be gotten for the land and water conservation fund by selling stickers under the land and conservation fund for use in these areas.

Now, I would also like to know how much duck stamp money was expended for acquisition and development of each of these refuges in each instance—to acquire and develop these areas. I would like to know how much other Federal funds were used to acquire and develop these refuges and from what source they came.

I would like to know how much it would cost to develop these refuges where they might be suitable, if possible, to appropriate fish and wildlife use.

(The following material was received in response to the above:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 3, 1965.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. BONNER: There is returned herewith corrected transcript (pp. 40a-81) of the testimony given by Assistant Secretary Cain, Director Gottschalk, and Assistant Legislative Counsel Sigler at the hearing held July 20 before your Subcommittee on Fisheries and Wildlife Conservation on H.R. 8432 and H.R. 8807.

At the hearing, Acting Chairman Dingell asked that we supply the following information concerning each of the 11 refuges proposed to be phased out or reduced in size:

1. Types of use by birds, mammals, and fish and amount of use.
2. Savings in personnel and funds.
3. Refuge receipts by source.
4. Public use. Potential for the collection of fees under the Land and Water Conservation Act.
5. Amount of duck stamp funds expended for (a) land acquisition, and (b) development.
6. Amount of other funds expended for (a) land acquisition, and (b) development.
7. Estimated cost for development of refuges for appropriate fish and wildlife use.

Enclosed in duplicate are statements giving the requested information.

Sincerely yours,

MAX N. EDWARDS,
Assistant to the Secretary and Legislative Counsel.

1. Use by birds, mammals, and fish, 1964

Refuge	Waterfowl				Other game populations	Fish
	Ducks		Geese			
	Peak population ¹	Use days ²	Peak population ¹	Use days ²		
Bosque del Apaehc, N. Mex.	6,538	633,164	7,690	512,272	Mule deer (200) and quail.	Catfish.
Carolina Sandhills, S.C.	2,550	198,802	1,050	111,689	White-tailed deer (2,000) and quail (3,000).	Bass and blue-gills.
Desert Game Range, Nev.	70	6,888	10	2,107	Bighorn sheep (1,500), mule deer, and quail.	Trout.
Havasu Lake, Ariz.- Calif.	3,225	390,508	1,630	129,136	Quail-----	Trout and bass.
Killehook, N.J.-Del.	80	7,484	-----	16	Columbian white-tailed deer (2,000) and grouse (2,000).	Trout.
Little Pend Oreille, Wash.	416	57,043	-----			
Monomoy, Mass-----	4,500	354,111	2,200	169,251	White-tailed deer (750), grouse (750), and woodcock (2,500).	Surf. Trout and bass.
Moosehorn, Maine-----	1,810	397,836	230	24,440		
Pathfinder, Wyo-----	1,710	207,445	150	22,435	Antelope (3,000), mule deer, and grouse.	Trout.
Piedmont, Ga-----	1,375	118,046	-----	-----	White-tailed deer (1,500), quail (5,000), and turkey (250).	Bass and blue-gills.
Sullys Hill, N. Dak-----	870	94,594	32	525	Buffalo (35), elk (25), and deer (50).	

¹ Fall 1964.² Calendar year 1964.*2. Savings in personnel and funds, fiscal year 1966*

	Jobs	Money
Bosque del Apache National Wildlife Refuge-----	0	\$10,000
Carolina Sandhills National Wildlife Refuge ¹ -----	2	37,000
Desert Game Range-----	0	6,500
Havasu Lake National Wildlife Refuge-----	0	10,000
Killehook National Wildlife Refuge-----	0	1,500
Little Pend Oreille National Wildlife Refuge-----	2	29,000
Monomoy National Wildlife Refuge ¹ -----	1	13,200
Moosehorn National Wildlife Refuge-----	2	30,000
Pathfinder National Wildlife Refuge-----	0	0
Piedmont National Wildlife Refuge ¹ -----	3	44,000
Sullys Hill National Game Preserve ¹ -----	1	18,800
Total-----	11	200,000

¹ Originally proposed for transfer; decision later made to retain full jurisdiction at reduced level of administration. Even though these areas are being retained under Interior administration, the appropriation to the Bureau of Sport Fisheries and Wildlife for operation of the national Wildlife refuge system in fiscal year 1966 includes a total saving of 11 refuge positions and \$200,000.

3. *Refuge net receipts and major sources of the receipts, fiscal year 1964*

	Receipts	Major source
Bosque del Apache.....	\$2,650.80	Grazing.
Carolina Sandhills.....	8,499.14	Timber.
Desert Game Range.....	672.00	Grazing.
Havasu Lake.....		
Killehook.....		
Little Pend Oreille.....	¹ 28,502.00	Timber and grazing.
Monomoy.....	714.75	Miscellaneous.
Moosehorn.....	7,464.20	Timber.
Pathfinder.....		
Piedmont.....	137,974.11	Do.
Sullys Hill.....	2,753.98	Big game disposal.

¹ Gross receipts for calendar year 1964.

4. *Public use, 1964*

	Total use	Hunting	Fishing	Miscellaneous
Bosque del Apache.....	2,000		800	1,200
Carolina Sandhills.....	12,005	905	1,000	10,100
Desert Game Range.....	106,320	4,150	2,000	100,170
Havasu Lake.....	1,188,401	2,000	415,000	771,401
Killehook.....	175	150		25
Little Pend Oreille.....	40,674	4,800	4,500	31,374
Monomoy.....	27,200		5,000	22,200
Moosehorn.....	31,931	4,134	4,685	23,112
Pathfinder.....	72,500	8,000	45,000	19,500
Piedmont.....	22,850	12,500	850	9,500
Sullys Hill.....	425,000			42,500

4(a) *Potential for the collection of fees under the Land and Water Conservation Fund Act*

Bosque del Apache: There are no recreational facilities, shade, or drinking water. None of the refuge meets the criteria for charging fees.

Carolina Sandhills: Most of the recreational facilities were built with accelerated public works funds. Normally this would justify a charge for camping, but developments were primarily for ponds, roads, and picnic shelters. The scattered nature of the facilities, innumerable roads, and inholdings ruled against this area being considered for charging of fees.

Desert Game Range: The area does not qualify for the collection of visitor fees.

Havasu Lake: An earlier study concluded that this refuge could not qualify for charging fees because of lack of improved Federal facilities, economic feasibility of collecting, and resulting poor public relations with concessioners if the Government charged entrance or user fees.

Killehook: It would not be economically feasible to attempt to collect fees from visitors to this refuge.

Little Pend Oreille: The 40,000 visitors included 4,800 for hunting, 4,500 for fishing, and 31,384 for sightseeing or picnicking. There are campgrounds, but no improved facilities. The attractiveness of this timbered area, limited number of roads, and opportunity to hunt and fish would warrant improved camping facilities for which fees could be charged. It would not be practical, however, to attempt to collect entrance or admission fees.

Monomoy: With no roads for entrance or improved recreational facilities by the Federal Government, charging an admission fee was judged economically

impractical. Monomoy's importance to wildlife will not permit intensified public recreation without defeating the primary purpose of the area.

Pathfinder: Fishing accounted for 45,000 of the 72,500 visitors in 1964, and 8,000 for hunting and 19,500 for sightseeing or enjoying wildlife. However, the area does not qualify for the collecting of visitor fees.

Piedmont: We see no possible way to collect fees for recreational use on this area with its lack of improved recreational facilities, uncontrolled road system, and numerous inholdings.

Sullys Hill: All of the 42,500 visitors in 1964 came for picnicking and for viewing wildlife. The picnicking facilities approximate those found in a county park. The area meets the requirements of controlled access, economic feasibility, and public acceptance. Approximately \$10,000 in visitor fees could be collected.

5(a) and 6(a). Land acquisition costs (applicable only to lands proposed to be released)

	5(a) duck stamp	6(a) other		5(a) duck stamp	6(a) other
Bosque del Apache, N. Mex.	0	¹ \$75,000	Monomoy, Mass.	0	\$16,163
Carolina Sandhills, S.C.	0	171,000	Moosehorn, Maine	0	² 5,000
Desert Game Range, Nev.	0	5,600	Pathfinder, Wyo.	0	0
Havasu Lake, Ariz.-Calif.	0	0	Piedmont, Ga.	\$44,000	200,000
Killehook, N.J.-Del.	0	6,000	Sullys Hill, N. Dak.	0	0
Little Pend Oreille, Wash.	0	136,000			

¹ Average per acre price applied to 35,000 acres even though this is cheapest land.

² Estimated cost of 868 acres under agreement with State park commission.

5(b) and 6(b). Total funds allotted to date for operation, maintenance, and development

	5(b) duck stamp funds	6(b) other funds		5(b) duck stamp funds	6(b) other funds
Bosque del Apache	\$898,442	¹ \$1,304,777	Monomoy	\$138,715	\$94,784
Carolina Sandhills	2,876	² 1,178,351	Moosehorn	780,227	³ 1,425,846
Desert Game Range		939,628	Pathfinder	25,387	90,000
Havasu Lake	247,585	³ 470,255	Piedmont	1,040	⁶ 871,253
Killehook	70,128	55,821	Sullys Hill		485,504
Little Pend Oreille		⁴ 751,028			

¹ Includes \$221,569 of WPA and CCC funds.

² Includes \$5,087 of CCC funds and \$490,000 of APW funds.

³ Includes \$8,800 of CCC funds.

⁴ Includes \$4,253 of WPA funds.

⁵ Includes \$645,000 of APW funds and WPA and CCC funds.

Includes \$67,083 of WPA funds and \$90,000 of APW funds.

7. Cost for development for appropriate fish and wildlife use

Bosque del Apache National Wildlife Refuge	\$400,000
Carolina Sandhills National Wildlife Refuge	500,000
Desert Game Range	500,000
Havasu Lake National Wildlife Refuge	750,000
Little Pend Oreille National Wildlife Refuge	250,000
Killehook National Wildlife Refuge	0
Monomoy National Wildlife Refuge	0
Little Pend Oreille National Wildlife Refuge	250,000
Moosehorn National Wildlife Refuge	450,000
Pathfinder National Wildlife Refuge	250,000
Piedmont National Wildlife Refuge	750,000
Sullys Hill National Game Preserve	100,000
Total	3,950,000

Mr. DINGELL. The next question I would like to have you direct yourself to at this particular time is, What other plans are afoot inside the Department for closing refuges? Are there any other plans contemplated for closing refuges?

Mr. GOTTSCHALK. There are no plans that have been resolved to the point of anything near decision. We are, within our Bureau, undertaking an examination of our refuge program. The examination is being conducted by a team of men from the refuge program, and it is an inhouse analysis of the role of several, not all the refuges, but several that some questions have been raised about.

Mr. DINGELL. Are you doing this by direction of the Bureau of the Budget?

Mr. GOTTSCHALK. No, sir.

Mr. DINGELL. You are not?

Mr. GOTTSCHALK. We are doing this as a self-analysis. In addition to this, we have a two-man study team consisting of one of our men and a man from the Bureau of Land Management which is examining the management objectives, role, and techniques employed in the game ranges. This group has completed its study on two of the game ranges and will continue through the other western ranges. The objective of this, primarily, is to see if there isn't some way to streamline the dual administrative responsibility which we now have between our Bureau and the Bureau of Land Management on these areas.

Mr. DINGELL. I believe there was in years past an agreement with regard to refuge closing. That was between the Department and this committee. You may not be familiar with it. The committee at one point was quite exercised by the fact that certain things were going on in the refuge program.

At this time the committee unanimously voted——

Mr. GOTTSCHALK. I am aware of this.

Mr. DINGELL. I think the members of the committee would like to be apprised of the planned closing of refuges and alteration of structures and a statement of the justification.

Mr. KEITH. If the chairman will permit, I think the Secretary should consult on an informal basis with Members of Congress instead of announcing these fait accomplis. I like to think we can be trusted and understood. We are in a position then, when he gives us an announcement of the facts, to comment more sympathetically than is otherwise the case. Too often we learn about this just at the time it happens rather than when the lines are hard and the decision made.

We are interested particularly by reason of our constituents. We are sympathetic to the Department.

Dr. CAIN. I would like to say that this request is entirely proper and we would be most delighted to keep the Members of Congress informed in advance of our plans so we can benefit from exactly what you are talking about—the information we can get from you and hopefully avoid mistakes and confusion and misunderstanding. I would like to promise you now we will do all we can.

I think, however, in the case of this series of 11 refuges, we were in a sense under blankets. This was partly a problem relating to public release of the administration budget before submitting it to the Congress. When an announcement was made, it was made at the secretarial level all at once.

As I said, this happened before I was here, although I don't believe it would have been any different if I had been on the job. It was an unusual situation. In general terms, we do want the closest contacts with you for the benefit of all of us.

Mr. DINGELL. I would like to switch and discuss very briefly if I may the question of roads. The fundamental statute dealing with refuges provides what with regard to the establishment of roads?

Mr. SIGLER. Under the Federal Aid Highway Act, Mr. Chairman, the procedure is for the State agency to prepare its plan for the road, submit it to the Department of Commerce for approval and get an allocation of money with which it builds the road. The law says specifically that when that road crosses any Federal lands under the control of any other Federal agency, the proposal for rights-of-way across those Federal lands must be submitted to the administering agency, and there is a time limit within which that agency must act.

If no objections are made, I think it is within 90 days—I would have to check to be sure—then the right-of-way issues. However, the administering agency may, if it wishes, refuse the right-of-way, or attach conditions to it that will assure no interference with the basic purpose of the Federal reservation.

Mr. DINGELL. In an appropriate period of time, the Fish and Wildlife Service and Secretary Cain may object to the highway across a refuge, is that correct?

Mr. SIGLER. That is correct.

Mr. DINGELL. Is that in the Federal Aid to Highway Act?

Mr. SIGLER. Yes.

Mr. DINGELL. What have you done in regard to the Wheeler refuge, and what do you propose to do with regard to the Wheeler refuge?

Mr. SIGLER. I don't know the answer to that particular question.

Mr. DINGELL. That is in Alabama.

Dr. CAIN. I would like to comment on this, Mr. Chairman. The State proposed a certain routing across the Wheeler refuge of an interstate highway, and this happened to go through the two areas on the refuge which are prime goose habitat. I believe, in addition, that this is the southeasternmost wintering grounds for the Canada goose.

The Fish and Wildlife Service proposed two alternative routings which would still cross the refuge but would cross at different points and not do severe damage to this particular species which is a prime species of the refuge.

Now, the alternate routings that have been proposed by the Fish and Wildlife Service are somewhat longer and somewhat more expensive.

Mr. DINGELL. Who controls in that instance, the Fish and Wildlife Service who has the refuge, or the State highway, or the Department of Commerce?

Mr. CAIN. Interior actually controls in this case.

Mr. DINGELL. What is the Department of Interior going to do about those roads?

Mr. GOTTSCHALK. We have been discussing the problem with the Bureau of Public Roads. As a matter of fact, the last discussion was one between Director Whitten of the Bureau of Public Roads and myself yesterday to see if there was some compromise which could be worked out which would resolve a very difficult problem.

Mr. Whitten made several suggestions as to possibilities and asked us to consider them, including the possibility of providing funds with which we might develop substitute habitat on the refuge. We have given this to our people in the field to study and to see whether they believe there is a possibility to effect a certain amelioration by means of securing additional habitat, and also whether this might be possible.

We are not in a position to answer those questions. I am somewhat encouraged at the attitude of the Bureau of Public Roads. They are seeking earnestly, I believe, to help resolve a very difficult question.

They are in a bind, in the sense they have this road established, both at a point above the refuge and a point below the refuge, and they want to draw the line as straight as possible, obviously. To have a big big loop in it would create problems for their planning people. Basically, we still have it under study, and there has been no final decision except the Secretary has stated, quite positively, that in its present situation he would object to this alinement.

Dr. CAIN. It may be of interest to you and Mr. Keith and other members of the committee on this problem. I sought out Congressman Jones, whose district this refuge is in, and we discussed at some length the reason for the agency's point of view, and he made very clear what his point of view was. So we do try. We have tried. This is a specific case of communicating.

Mr. DINGELL. I am concerned about the problem of building roads through refuges. I want you to know that is the reason that particular section is in there. You had comments in your testimony in regard to the Wheeler refuge. You pretty well indicated that you felt this road cannot be put through the place as presently intended without severe detriment to the fish and wildlife values in the particular area; is that correct?

Dr. CAIN. That is correct. As a matter of fact, I have stood firmly behind the Fish and Wildlife Service in opposition to the State's location of that highway. That is as far as we can go.

Mr. DINGELL. I hope you give us the information we requested. I have some notes I will be happy to turn over to you. The record may stay open for 10 days for any material the committee may deem advisable to place in the record.

If there are no further questions, the committee will stand adjourned. (The following material was received for the record.)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 20, 1965.

HON. STANLEY A. CAIN,
Assistant Secretary, Department of the Interior,
Washington, D.C.

DEAR STANLEY: I have reviewed with interest your response of August 3 to my inquiries pertinent to areas of the national wildlife refuge system previously scheduled for disposal.

I have the feeling that the data you have offered the committee only partially tells the program story for these areas. I, therefore, request that you address yourself to the following apparent deficiencies:

1. Your treatment of refuge receipts in table 3 is on the basis of net revenues. Section 401 of the act of June 15, 1935 (16 U.S.C. 715s), as amended, provides authority for the Secretary "to pay any necessary expenses incurred in connection with and for the purpose of effecting the removal, grant, disposition, sale, or exchange of such animals, products, or privileges; and in all cases such ex-

penditures shall be deducted from the *gross receipts* of the refuge * * *." [Emphasis supplied.]

In this connection :

(a) What were the gross receipts from the refuges listed?

(b) Were any personnel employed on these areas, to administer the sales programs and manage the timber, grazing, or big game resource, which were paid salary and expenses from gross receipts?

(c) If so, where were such personnel employed, what were their grades and salaries, and where are they now stationed?

(d) Where professional personnel may have been previously employed on such revenue-producing resource management programs, and have now been transferred, how does the Bureau currently administer its timber, grazing, or big game disposal programs for these areas?

(e) In the case of the timber revenue-producing refuges, i.e., Carolina Sandhills, Little Pend Oreille, Moosehorn, and Piedmont, what is the current volume and value of their timber resource? What are the growth projections of volume and value for these areas to the years 1980 or 2000?

2. You do not list any revenues for Havasu Lake Refuge. The committee understands that revenue on this area derived from refuge operations accrue to the reclamation fund. Is this correct and what is the amount of such receipts?

3. (a) In your table 4a, the Moosehorn Refuge is omitted. Committee information is that an extensive recreation area was constructed on this refuge under the APW program, and that it was the site of an experimental fee-charging program. What were the criteria and results of the fee-charging program at Moosehorn? In view of the Bureau's interest in developing a compatible recreation program on refuge areas throughout the country, what was the rationale behind its administrative disposal to the State of Maine?

(b) Are there any current plans for increased recreation developments or programs on any of the areas in table 4a? If so, what are they?

4. Throughout table 4a there appears to be arbitrary presentation and decision pertinent to the collection of fees on these refuges. What criteria went into these decisions? Were such decisions based upon current physical and personnel situations or were they projected into the future in consort with development planning?

5. The land acquisition costs of the refuge listed in tables 5a and 6a are, of course, meaningless in today's market. Since the committee in the broadest sense is interested in the total Federal outdoor recreation capability, we are concerned with replacement values. Accordingly, what is the approximate current appraised value of these lands, their resources, and the capital investments upon them?

6. The committee is aware of the master planning program for refuges. Were the figures presented in table 7 the result of master planning? If not, how were they developed? If so, please furnish plan copies for the committee files.

The committee is interested in concluding our inquiries in this area at an early date. Your earliest possible reply to this request for further information will be greatly appreciated.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 27, 1965.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: We have received your letter of August 20 referring to our response of August 3 to the Honorable Herbert C. Bonner concerning inquiries on national wildlife refuges scheduled for reduction in size or for disposal. We are happy to furnish you with the additional information requested. We will answer the questions posed by you in the same numerical order as shown in your letter.

1. (a) The gross receipts from the refuges listed in table 3 are as follows:

Bosque del Apache	\$2, 650. 80
Carolina Sandhills	8, 899. 14
Desert Game Range	672. 00
Havasu Lake	
Killcohook	
Little Pend Oreille	¹ 28, 502. 00
Monomoy	714. 75
Moosehorn	7, 464. 20
Pathfinder	
Piedmont	157, 538. 74
Sullys Hill	2, 753. 98

¹ Gross receipts for calendar year 1964.

(b) Personnel were employed on several of the areas to administer the sales programs, with their salaries and expenses being paid from the gross receipts.

(c) The personnel referred to in (b) were employed at the Piedmont and the Little Pend Oreille Refuges and are listed below. Their base salary is indicated:

Per annum

Forester, GS-11 (Piedmont—remains at Piedmont)	\$9, 240
Forester, GS-7 (Piedmont—remains at Piedmont)	6, 250
Forestry technician, GS-5 (Piedmont—remains at Piedmont)	5, 165
Forester, GS-9 (Little Pend Oreille—will remain at Little Pend Oreille until Sept. 25, 1965, to assist in timber management program)	7, 959

(d) As indicated under (c) the forester at the Little Pend Oreille Refuge will remain on duty at that station only until September 25, 1965, after which he will move to another station or will be terminated. The Little Pend Oreille Refuge, as you know, was transferred to the State of Washington for management purposes as of July 1.

Speaking generally of the refuge program where professional personnel may have been previously employed on revenue-producing resource management programs and have been transferred elsewhere, it is then the responsibility of the refuge manager, who in most instances is a technically trained man, to administer timber, grazing, or other disposal programs for these specific areas. In the main, however, where a sizable disposal program is in force on a refuge, professional personnel particularly qualified for the type of disposal program being handled are employed to effect the disposal program.

(e) The timber revenue-producing refuges, namely, Carolina Sandhills, Little Pend Oreille, Moosehorn, and Piedmont, are listed below, and the present estimated volume and value of their timber resource are indicated, as well as growth estimated projections of volume and value to the years 1980 and 2000.

	Acres of com- mercial forest	Present volume (thou- sand board feet)	Present value	1980 volume (thou- sand board feet)	1980 value	2000 volume (thou- sand board feet)	2000 value
Sandhills	44, 500	135, 000	\$3, 900, 000	210, 000	\$7, 500, 000	285, 000	\$10, 000, 000
Pend Oreille	41, 754	380, 900	4, 506, 500	418, 900	4, 957, 000	457, 000	5, 858, 000
Moosehorn	19, 900	25, 000	378, 900	33, 620	496, 500	41, 430	608, 500
Piedmont	31, 770	125, 000	4, 500, 000	148, 000	7, 000, 000	206, 000	9, 000, 000

2. It is true that we do not list any revenues for the Havasu Lake Refuge, and your understanding is correct that revenue on this area derived from refuge operations accrues to the reclamation fund. The amount of such receipts during the fiscal year 1964 was \$22,957.51.

3. (a) It is true that an extensive recreation area was constructed on the Moosehorn Refuge under the APW program and that it was the site of an experimental fee-charging program. The criterion used in establishing a fee-charging program for Moosehorn mainly was the fact that the recreational facilities constructed at the refuge were provided at considerable expense to the Government; also, that the nature of the area was such that fee collection

appeared to be administratively and economically practical. During the summer of 1964 slightly over \$2,900 was collected in user fees for tent and trailer camping and picnicking. The cost of administering the recreational area included two summer employees and the part-time use of three regular employees for cleanup work, checking in and out the users of the area, the cutting of firewood, etc., which amounted to about \$4,500. The excess of costs over collections this first year was partly because user fees were charged only after June 15.

The rationale behind relinquishing management of the recreational area to the State of Maine was based primarily on the fact that the State was already operating areas of similar facilities and had the necessary personnel and equipment to do a satisfactory job on the refuge area. Of additional consideration was the fact that the Bureau of Sport Fisheries and Wildlife was disinclined to use regular operating funds to defray the cost of managing the area. We might mention that the State is continuing about the same fee charges as inaugurated last year.

(b) The fiscal year 1966 budget contains no proposals for recreational development on any of the areas in table 4(a). Increased recreational use of the Bosque del Apache Refuge is presently being planned through the hunting of waterfowl on this area during the forthcoming season. The same is true of the Pathfinder Refuge where waterfowl and upland game hunting is being considered, as well as at the Desert Game Range where a new wild turkey hunt is under plans. No other new recreational programs are planned for any of the areas listed in table 4(a) at the present time, as funds are not available for this purpose.

4. In the review of the national wildlife refuges on which land and water conservation fund fees might be charged, the four-point criteria set forth in section 3 of Executive Order 11200, were used. Mainly it was necessary that we consider if the area had recreational facilities provided at Federal expense which would justify the charging of a user fee. In addition, it was necessary that we consider if the nature of the areas was such that fee collection could administratively and economically be practical. Most refuges in our system, including those in statement 4(a), lack satisfactory recreational facilities or services provided at Federal expense to justify fee collection. The extensive recreational facilities on the Havasu Lake Refuge which attracted over 1 million persons in 1964 were developed and are administered by private concessionaires.

Receipts received by the Government from these concessionaires go into the Bureau of Reclamation accounts, since that agency has primary jurisdiction over this area. In determining areas on which fees might be collected during the calendar year 1965, we based their qualifications on the availability of the facilities that then existed. The Land and Water Conservation Fund Act provides for annual review, which will permit the addition of areas if and when they qualify. Should a public waterfowl hunt be conducted on Bosque del Apache during the forthcoming season, consideration will be given to charging a user fee for facilities which will be furnished in connection with the hunt.

5. The approximate current appraised value of lands, their resources and capital investments of the refuges listed in tables 5a and 6a are as follows:

	Land	Resources	Improvements	Total
Little Pend Oreille.....	\$792, 262	\$4, 506, 500	\$317, 000	\$5, 615, 762
Havasu Lake.....	831, 915	0	10, 000	841, 915
Desert Game Range.....	7, 920, 000	0	12, 000	7, 932, 000
Pathfinder.....	800, 000	0	0	800, 000
Bosque del Apache.....	400, 000	0	17, 000	417, 000
Killehook.....	18, 000	0	0	18, 000
Monomoy.....	270, 000	0	25, 000	295, 000
Moosehorn.....	470, 000	378, 900	345, 000	1, 193, 900
Sullys Hill.....	55, 000	0	45, 000	100, 000
Piedmont.....	1, 650, 000	4, 500, 000	114, 000	6, 264, 000
Carolina Sandhills.....	2, 250, 000	3, 900, 000	815, 000	6, 965, 000

6. The only refuge on the list which has a completed master plan is the Bosque del Apache Refuge in New Mexico. The \$400,000 figure indicated in the table is the total estimated cost of development contained in that plan. The plan is 4 years old and may require revision. We have but one copy for our reference and regret that one cannot be made available for your use. The cost figures presented for other refuges have been contained in budget

estimates in recent years. They were updated slightly to reflect current costs and should be considered as preliminary estimates pending master planning of these areas.

We appreciate the opportunity of providing you this additional information.
Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

STATEMENT OF HON. WAYNE N. ASPINALL, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF COLORADO

Mr. Chairman, I appreciate the opportunity of bringing to the attention of this subcommittee the interest of the Committee on Interior and Insular Affairs and of the Public Land Law Review Commission in the legislation before you today. H.R. 8807 and H.R. 8432, while designed to amend the Migratory Bird Conservation Act, would effect the future management and disposal of lands utilized for wildlife refuge and game range purposes.

The act of September 19, 1964 (78 Stat. 982; Public Law 88-606) established a Public Land Law Review Commission to study existing laws and procedures relating to the administration of certain lands of the United States. By definition the lands included in the scope of the Commission's review are all "wildlife refuges and ranges" (sec. 10).

The Public Land Law Review Commission held its organization meeting on July 14, 1965, at which time I was named Chairman. We are in the midst of preparations for the study and will shortly obtain the necessary staff to do the work.

The Commission will meet again August 18, 1965, at which time further attention will be given to the question of the formation of an advisory council to be made up of representatives of organizations and citizens' groups interested in the various facets of the Commission's work. Among the organizations being invited to nominate persons for appointments to the advisory council are groups interested in the management of wildlife refuges and ranges.

While we recognize that it will be several years before the Commission report will be filed and implementing action taken—the report is scheduled for submission by December 31, 1968—it is respectfully submitted that, Congress having given this responsibility to the Public Land Law Review Commission, no action should be taken that would change basic land law involving wildlife refuges and ranges until the Commission report has been filed. Thank you very much for the courtesy of permitting me to file this statement.

STATEMENT OF DR. SPENCER M. SMITH, JR.

Mr. Chairman and members of the committee, I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C.

The measures under consideration by the committee, H.R. 8807 and H.R. 8432, seek to amend the Migratory Bird Conservation Act to provide that no land contained in the national wildlife refuge system shall be sold or transferred for any other use or otherwise disposed of without the approval of the Migratory Bird Commission. In addition, H.R. 8807 requires reimbursement to the migratory bird conservation fund of receipts from refuge land sold at fair market value.

The Migratory Bird Commission has a clear mandate from the statute which brought it into being. Its function is to approve the purchase of all lands acquired for the purposes of migratory fowl habitat to be included in the national wildlife refuge system. It has since its inception operated in a highly professional and efficient manner. The purpose of this legislation is to grant the Commission the same authority for the disposition of lands in the national wildlife refuge system as it has in the acquisition of such lands.

The sponsors of this legislation are obviously evidencing the concern that is growing throughout the country, that is, that the wildlife refuge system is hard put to meet the needs made upon it and additionally that a number of concerted efforts are being made to utilize some of the areas for other purposes.

In view of the money spent on the purchase of duck stamps, the refuge system has been able to grow and flourish. Once this duck stamp money is committed

for the purposes of the habitat acquisition few really felt it was necessary to add other safeguards. The great struggle to meet the need of fast-disappearing waterfowl habitat was so significant that it was hard to imagine that once acquired there would be any serious thought to its disposal.

We are not disposed to say that there are no instances in which lands in the national wildlife refuge system should never be disposed of for any reason or purpose. We do feel, however, that in terms of the overall problem, which has been recognized by past legislation and individual effort, that the most careful review should be undertaken prior to any disposition of land for uses other than the purposes for which they were acquired.

It was announced by the Bureau of the Budget that 11 refuges are marked for reduction or elimination in fiscal year 1966. The 11 wildlife refuges in 12 States purport to be a saving of \$210,000, and the elimination of 11 positions. I shall not list these refuges at this point since the committee is fully knowledgeable of the areas and the details involved. The argument that eliminating these refuges does not do disservice to the migratory bird conservation fund, which is the recipient of moneys from duck stamps purchased by sportsmen, is not valid since for some time moneys from the fund were used for more than just acquisition. The development, research, maintenance, and general administration of these areas received funds from the migratory bird conservation fund.

Mr. Chairman, what assurances are sportsmen, foundations, and the general public to have that the money they raise for investing in wetlands for migratory waterfowl are going to be used for this purpose rather than turned over to some other use, perhaps at the whim or caprice of some administrative officer. Only recently, the Great Swamp National Wildlife Range in New Jersey, exceeding 2,500 acres of land, was purchased by the North American Wildlife Foundation, the Great Swamp Committee and interested individuals at a cost of \$1 million. This area was given to the refuge system for the purpose of providing habitat for migratory waterfowl. Can we be sure it will be used for this purpose?

While we are cheered at the knowledge that 4 of the refuges will not be closed, we are greatly concerned that 18 more are under study in addition to which consideration is being given to the reduction or possible elimination of 5 game ranges.

As lands become more scarce relative to the great demands upon them, this problem will undoubtedly become more acute and there is evidence at present that this is more than speculation. The Senate recently approved a measure to establish the Assateague Island National Recreation Seashore which authorizes a road down the very middle of the refuge. A similar fate is apparently in store for the Wheeler Refuge in Alabama.

We feel, therefore, that in terms of the past legislation approved by the Congress to enhance and sustain wildlife in a national refuge system, that H.R. 8807 and H.R. 8432 are indeed appropriate for approval at this time. H.R. 8807 goes not only at the point of charging the Migratory Bird Commission with the responsibility in disposing of any land in the refuge system but it also insists, additionally, that lands taken for any purpose must be paid for at the fair market value of such land and that such funds be transferred to the migratory bird conservation fund.

It is difficult for us to see how appropriate protection can be afforded not only to the refuge system itself but to the integrity of the funds supplied by sportsmen and other willing donors unless the protective provisions embodied in the proposed legislation are undertaken. If it is necessary to create a commission to protect the public interest in acquiring land for specific purposes then that same commission should have the responsibility for the disposition of such land.

(The subcommittee adjourned at 11:45 a.m. subject to the call of the Chair.)



LEGISLATIVE HISTORY

Public Law 89-232
S. 1623

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Index and summary of S. 16231
Digest of Public Law 89-232.2

INDEX AND SUMMARY OF S. 1623

Feb. 2, 1965	Rep. Dingell introduced H. R. 4157 and H. R. 4158 which were referred to House Merchant Marine and Fisheries Committee. Print of bills as introduced.
Mar. 25, 1965	Sen. Magnuson introduced S. 1623 which was referred to Senate Commerce Committee. Print of bill as introduced.
Apr. 6, 1965	Senate committee voted to report S. 1623.
Apr. 28, 1965	Senate committee reported S. 1623 with amendment. S. Report No. 169. Print of bill and report.
Apr. 29, 1965	Senate passed S. 1623 as reported.
May 3, 1965	S. 1623 was referred to House Merchant Marine and Fisheries Committee. Print of bill as referred.
Aug. 19, 1965	House subcommittee voted to report.
Sept. 8, 1965	House committee voted to report S. 1623.
Sept. 14, 1965	House committee reported S. 1623 without amendment. H. Report No. 1002. Print of bill and report.
Sept. 20, 1965	House passed S. 1623 under suspension of the rules.
Oct. 1, 1965	Approved: Public Law 89-232.

Hearings: H. Committee: "Miscellaneous Fisheries and Wildlife Legislation--1965."

DIGEST OF PUBLIC LAW 89-232

STUDY OF EFFECTS OF PESTICIDES ON FISH AND
WILDLIFE.

Authorizes the appropriation of not to exceed \$3.2 million for fiscal year 1966, and not to exceed \$5 million for each of the two subsequent fiscal years, to enable the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides to determine if they are harmful or hazardous to fish and wildlife resources.

89TH CONGRESS
1ST SESSION

H. R. 4157

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1965

Mr. DINGELL introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the Act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the first section of the Act of August 1, 1958 (16
4 U.S.C. 742d-1), is amended by inserting “(a)” immedi-
5 ately after “That” and by adding at the end thereof the fol-
6 lowing new subsection:

7 “(b) On the basis of the studies carried on pursuant to
8 subsection (a) of this section, the Secretary of the Interior
9 shall transmit information to the Secretary of Agriculture as
10 to how, in the use of insecticides, herbicides, fungicides, or

1 other pesticides, injury to fish and wildlife can be prevented
2 or minimized and the Secretary of Agriculture, in consulta-
3 tion with the Secretary of the Interior, shall require that such
4 information or warning pertinent to any insecticide, herbicide,
5 fungicide, or other pesticide shall appear on the label of each
6 package of such insecticide, herbicide, fungicide, or other
7 pesticide, as the case may be, which is required to be labeled
8 under the Federal Insecticide, Fungicide, and Rodenticide
9 Act (7 U.S.C. 135-135k)."

10 SEC. 2. The Act of August 1, 1958 (72 Stat. 479), as
11 amended by the Act of September 16, 1959 (73 Stat. 563),
12 is amended by deleting section 2 and by inserting new sec-
13 tions 2 and 3 as follows:

14 "SEC. 2. The Secretary of the Interior is authorized—

15 "(1) to conduct a program of evaluating chemicals
16 proposed for use as insecticides, herbicides, fungicides,
17 or other pesticides for the purposes of determining
18 whether the chemicals are harmful or hazardous to the
19 Nation's fish and wildlife resources;

20 "(2) to distribute to interested persons and agen-
21 cies, both public and private, data collected under this
22 Act showing the effects of insecticides, herbicides, fungi-
23 cides, or other pesticides; and

24 "(3) to operate and maintain existing facilities, in-

1 cluding laboratories, necessary to carry out the purposes
2 of this Act.

3 “SEC. 3. There is authorized to be appropriated the sum
4 of \$2,565,000 per fiscal year through fiscal year 1966, \$3,-
5 200,000 for fiscal year 1967, and \$5,000,000 per fiscal year
6 thereafter.”

7 SEC. 3. The amendments made by this Act shall take
8 effect on the one hundred and eightieth day after the date of
9 enactment of this Act.

A BILL

To amend the Act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

By Mr. DINGELL

FEBRUARY 2, 1965

Referred to the Committee on Merchant Marine and Fisheries

89TH CONGRESS
1ST SESSION

H. R. 4158

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1965

MR. DINGELL introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Chemical Pesticides
4 Coordination Act".

5 SEC. 2. No officer or agency of the Federal Government
6 shall initiate or provide any financial or other assistance for
7 any program involving the use of any chemical insecticide,
8 herbicide, fungicide, rodenticide, or other chemical for the

1 purpose of eradicating or controlling animal or plant pests
2 until such officer or agency has consulted with the United
3 States Fish and Wildlife Service, and through such Service,
4 with the head of the agency exercising administration over
5 the wildlife resources of each State to be affected by the
6 program.

7 SEC. 3. The United States Fish and Wildlife Service
8 shall advise the officers and agencies consulting with it, as
9 required by section 2, of the damage to wildlife resources
10 which might result from any proposed program. Such Serv-
11 ice shall cooperate with such Federal officers and agencies in
12 developing programs involving the use of chemical insecti-
13 cides, herbicides, fungicides, rodenticides, or other methods
14 for the purpose of eradicating or controlling any animal or
15 plant pest, with a view to achieving the results desired while
16 minimizing the undesirable effects of the program on the
17 wildlife resources of the area. In the event any Federal
18 officer or agency shall fail to take any action recommended
19 by the United States Fish and Wildlife Service, such Serv-
20 ice shall make a report thereof without delay to the Congress
21 for referral to the appropriate committees.

22 SEC. 4. The Secretary of the Interior may, by regula-
23 tions, make exceptions from the application of this Act
24 where, by reason of the limited nature of the program or
25 by reason of the proved harmlessness of the chemical in-

1 volved, little or no damage to wildlife resources could re-
2 sult from the program.

3 SEC. 5. Any Federal department or agency, in sub-
4 mitting requests to the Congress for appropriations for pro-
5 grams involving the use of chemical insecticides, herbicides,
6 fungicides, rodenticides, or other chemicals for the eradica-
7 tion or control of any animal or plant pest, shall accompany
8 such request by a full description of the proposed program,
9 including the comments and recommendations of the Fish
10 and Wildlife Service of the Department of the Interior.

11 SEC. 6. This Act shall take effect one year from the
12 date of its enactment.

A BILL

To provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

By Mr. DINGELL

FEBRUARY 2, 1965

Referred to the Committee on Merchant Marine and Fisheries

S. 1623

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1965

Mr. MAGNUSON (for himself and Mrs. NEUBERGER) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act of August 1, 1958 (72 Stat. 479),
4 as amended by the Act of September 16, 1959 (73 Stat.
5 563), is amended to read as follows:

6 “SEC. 2. There are authorized to be appropriated such
7 sums as may be necessary to carry out the provisions of this
8 Act.”

A BILL

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

By Mr. MAGNUSON and Mrs. NEUBERGER

MARCH 25, 1965

Read twice and referred to the Committee on
Commerce

April 4, 1965

"The Comptroller General should vigorously and expeditiously implement his announced plan to intensify his review of agency accounting systems and make reports on such reviews to the Congress. He should also undertake to assist and encourage agencies, through personal efforts to his staff, to expedite the development of their accounting systems to the degree necessary to obtain approval.

"With regard to the Civil Service Commission's work in upgrading the quality of Government personnel now working in the field of financial management, and in otherwise assisting the departments and agencies of Government in procuring competent accounting and financial management technicians and professional personnel, this committee recommends:

"That increased emphasis be given to career development programs through more concentrated attention on greater participation in workshops and seminars by financial management personnel at all operational levels in all departments and agencies.

"That work be speeded by the Commission to improve techniques by which departments and agencies evaluate the relative quality of candidates under their promotion plans, especially for financial management positions.

"That more financial management courses be included in all of the general-type management courses offered by the Commission, because an understanding of and appreciation for good financial management practices must become an integral part of the total management job.

"That the Commission work with all departments and agencies of Government in encouraging and arranging for employees to attend courses in financial management in nongovernmental institutions as an additional means of upgrading the quality of personnel in positions of responsibility in the field of financial management."

8. WOOL IMPORTS. Rep. Cleveland inserted and commended a statement by Governor Chafee, R. I., urging quotas on manufactured worsted-woolen imports. p. 6935
9. FOREIGN TRADE. Rep. Dent criticized the order by the Commerce Department terminating a previous order restricting the export of walnut logs and inserted his correspondence with Commerce Secretary Connor on the matter. pp. 6921
10. ELECTRIFICATION. Received from the Federal Power Commission a communication, "Statistics on Electric Utilities, Privately Owned." p. 6941

SENATE

11. EDUCATION. The Labor and Public Welfare Committee reported without amendment H. R. 2362, to strengthen and improve educational quality and educational opportunities of elementary and secondary schools (S. Rept. 146) (p. 6808). Sen. Javits submitted amendments intended to be proposed to this bill (pp. 6821-3). This bill was made the unfinished business of the Senate (p. 6857).
12. HOUSING. Sen. Javits submitted and discussed amendments to S. 1354, the administration's housing and urban development bill. pp. 6819-20
13. NOMINATIONS. The Labor and Public Welfare Committee reported the nominations of Jack T. Conway to be Deputy Director and Glenn W. Ferguson, Otis A. Singletary, N. C., and Theodore M. Berry, O., to be Assistant Directors of the Office of Economic Opportunity. p. 6808

14. CONSERVATION. Sens. Hruska, Cannon and Mundt criticized and inserted articles critical of the proposed reduction in SCS appropriations and establishment of SCS user charges. pp. 6824-5, 6829-30, 6834-5
15. TRADE AND DEVELOPMENT BOARD. Sen. Javits called attention to the organization of U. N. Trade and Development Board which he stated provides a "continuing body to emphasize and consider...the economic problems of the developing nations" and inserted an article on the subject. pp. 6825-6
16. JOB CORPS. Sen. Fulbright inserted an article which he stated is a "thoughtful description of the hope the Job Corps offers for many young Americans." pp. 6828-9
17. POVERTY. Sen. Randolph inserted an address, "Poverty Amidst Affluence," which he stated contains "important statistics and information about the one-fifth of this Nation's population living in substandard conditions" and recommendations for a workable solution to this problem. pp. 6830-33
Sen. Williams, N.J., commended a "miniature war on poverty" in N.J. when 20 tons of clothing, food supplies, etc. were collected for a depressed Ky. area. pp. 6838-9
18. FARM LABOR. Sen. Robertson discussed the farm labor situation and criticized Secretary Wirtz's "point of view" on this subject. pp. 6833-4
19. TOBACCO. Sen. Neuberger summarized some of the material presented during the hearings on bills to regulate the labeling of cigarettes. pp. 6839-44
20. WOOL LABELING. The Commerce Committee voted to report (but did not actually report) with amendment S. 836, to authorize the Federal Trade Commission to exclude from the provisions of the Wool Products Labeling Act wool products with respect to which the disclosure of wool fiber content is not necessary for the protection of the consumer. p. D266
21. PESTICIDES. The Commerce Committee voted to report (but did not actually report) with amendment S. 1623, to authorize a continued study by the Department of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife. p. D266
22. TEXTILE LABELING. The Commerce Committee voted to report (but did not actually report) S. 1129, to amend the Textile Fiber Products Identification Act so as to permit the listing on labels of certain fibers constituting less than 5 percent of textile fiber product. p. D266
23. NATIONAL PARKS. The Subcommittee on Parks and Recreation of the Interior and Insular Affairs Committee voted to report to the full committee S. 339, to provide for the establishment of the Agate Fossil Beds National Monument, Nebr. p. D266

ITEMS IN APPENDIX

24. WATER RESOURCES. Sen. Magnuson inserted a statement. "Documents Introduce 100-Year Water Plan Study," outlining plans for a progressive planning of Pacific Northwest resources. pp. A1664-5

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official Business

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OFFICE OF
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For actions of April 28, 1965

89th-1st; No. 75

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HIGHLIGHTS: House received conference report on second supplemental appropriation bill. House passed water pollution control bill. House committee voted to report Northwest flood disaster relief bill. House Rules Committee cleared omnibus transportation bill. Senate committee reported foreign aid authorization bill. Sen. Tower introduced and discussed bill to transfer Division of Predator and Rodent Control from Interior to USDA. Sen. McGovern introduced and discussed bill to provide assured supply of milk for assistance programs.

HOUSE

1. WATER POLLUTION. By a vote of 396 to 0, passed with amendments S. 4, the proposed Water Quality Act of 1965 (pp. 8362-8400, 8438-9). As passed the bill includes provisions as follows: Provides for the creation of a Federal Water Pollution Control Administration in HEW. Authorizes a 4-year program at an annual level of \$20 million for grants to develop projects which will demonstrate new or improved methods of controlling waste discharges from storm sewers or combined storm and sanitary sewers. Authorizes an increase in the

ceiling limitations on grants for construction of waste treatment works from \$600,000 to \$1.2 million for an individual project and from \$2.4 million to \$4.8 million for a joint project in which two or more communities participate.

2. FLOOD DISASTER RELIEF. The Public Works Committee voted to report (but did not actually report) with amendment H. R. 7303, to provide assistance to Calif., Ore., Wash., Nev., and Idaho for the reconstruction of areas damaged by recent floods and high waters. p. D331
3. FORESTRY; PUBLIC LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 396, to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions. p. D330
4. FLOOD CONTROL; RIVER BASINS. The Public Works Committee voted to report (but did not actually report) H. R. 6755, to authorize additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control. p. D330
5. TRANSPORTATION. The Rules Committee reported a resolution for consideration of H. R. 5401, to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system. p. 8452
6. WATERSHEDS. The "Daily Digest" states that the Public Works Committee "approved four watershed projects and seven flood control resolutions." p. D331
7. HEALTH. The Rules Committee reported resolutions for consideration of H. R. 2984, to amend the Public Health Service Act provisions for construction of health research facilities, and H. R. 2986, to extend and amend certain provisions of the Public Health Service Act relating to community health services. p. 8452
8. APPROPRIATIONS. Permission was granted the Appropriations Committee to file by midnight, Thurs., Apr. 29, a report on the Departments of Labor and HEW and related agencies appropriation bill for 1966. p. 8357
9. FOREIGN AID. Rep. Erlenborn criticized foreign aid expenditures abroad and cited reports of GAO in support of his position. pp. 8408-9
10. FOREIGN TRADE. Rep. Saylor inserted a "set of documents illustrating the policies adopted by other countries to assure their own industries and workers - at the exclusion of foreigners - of obtaining public works contracts." pp. 8426-32

SENATE

11. PESTICIDES. The Commerce Committee reported with amendment S. 1623, to authorize a continued study by the Department of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife (S. Rept. 169). p. 8456
12. FOREIGN AID. The Foreign Relations Committee reported an original bill, S. 1837, to amend the Foreign Assistance Act of 1961 (S. Rept. 170). p. 8456

PROTECTION OF FISH AND WILDLIFE FROM PESTICIDES

APRIL 28, 1965.—Ordered to be printed

) Mr. MAGNUSON, from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 1623]

The Committee on Commerce, to whom was referred the bill (S. 1623) to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to increase the authorized annual appropriation for pesticide research by the Department of the Interior from \$2,565,000 to \$3.2 million for fiscal year 1966 and \$5 million annually for fiscal years 1967 and 1968.

BACKGROUND

On May 15, 1963, the President's Science Advisory Committee issued its report on the "Use of Pesticides." The Committee cited the compelling need for participation by the Interior Department in the establishment of a "continuing network to monitor residue levels in air, water, soil, man, wildlife, and fish." This Committee similarly urged "expanded research and evaluation by the Department of the Interior of the toxic effects of pesticides on wild vertebrates and invertebrates."

"The study of wildlife," the President's Committee concluded, "presents a unique opportunity to discover the effects on the food chain of which each animal is a part, and to determine possible pathways through which accumulated and, in some cases, magnified pesti-

cide residues can find their way directly or indirectly to wildlife and to man."

During the last Congress, the Commerce Committee held hearings on legislation to eliminate the present \$2,565,000 authorization ceiling on pesticide research by the Department of the Interior. Among the witnesses who appeared before the committee was Rachel Carson, the famed biologist, whose "Silent Spring" alerted millions of Americans to the potential danger from the uncontrolled use of pesticides.

The committee reported and the Senate passed, unanimously, S. 1251, which would have authorized the appropriation of \$3.2 million for fiscal year 1965 and \$5 million annually thereafter. Senate action came too late in the session to enable the measure to go to conference with the House for the resolution of differing provisions between the Senate and House versions.

In his message to Congress on natural beauty early this year, President Johnson dealt with the limitation on pesticide research:

Pesticides may effect living organisms wherever they occur.

In order that we may better understand the effects of those compounds, I have included increased funds in the budget for use by the Secretaries of Agriculture, Interior, and Health, Education, and Welfare to increase their research efforts on pesticides so they can give special attention to the flow of pesticides through the environment; study the means by which pesticides break down and disappear in nature; and to keep a constant check on the level of pesticides in our water, air, soil, and food supply.

I have asked the Secretary of the Interior to submit legislation to eliminate the ceiling on pesticide research.

COMMITTEE CONSIDERATION OF THE BILL

S. 1623, to eliminate the ceiling, was introduced by the chairman and Mrs. Neuberger at the request of the Secretary of the Interior. The committee was of the opinion that a ceiling should be placed on the authorized appropriations for pesticide research in line with the current needs for such research and that Congress should have an opportunity to review these needs again in 3 years. The committee was informed by the Department of the Interior that a ceiling of \$3.2 million for fiscal year 1966 and \$5 million annually thereafter would be adequate to support the necessary foreseeable expansion in the Department. Therefore, the committee recommends the adoption of an amendment increasing the authorization for pesticide research for \$3.2 million for fiscal 1966 and \$5 million annually for fiscal years 1967 and 1968.

AGENCY COMMENTS

There follows the letter by the Assistant Secretary of the Interior, transmitting the proposed legislation to the President of the Senate and the comments by other interested agencies on S. 1251, in the 88th Congress, which similarly contained a provision for removing the limitation on pesticide research by the Secretary of the Interior:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 25, 1965.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

In the report of the President's Science Advisory Committee "Use of Pesticides," of May 15, 1963, the following recommendation was made:

"The panel recommends expanded research and evaluation by the Department of the Interior of the toxic effects of pesticides on wild vertebrates and invertebrates.

"The study of wildlife presents a unique opportunity to discover the effects on the food chain of which each animal is a part, and to determine possible pathways through which accumulated and, in some cases, magnified pesticide residues can find their way directly or indirectly to wildlife and to man."

President Johnson in his recent message on natural beauty stated: "Pesticides may affect living organisms wherever they occur.

"In order that we may better understand the effects of those compounds, I have included increased funds in the budget for use by the Secretaries of Agriculture, Interior, and Health, Education, and Welfare to increase their research efforts on pesticides so they can give special attention to the flow of pesticides through the environment; study the means by which pesticides break down and disappear in nature; and to keep a constant check on the level of pesticides in our water, air, soil, and food supply.

"I have asked the Secretary of the Interior to submit legislation to eliminate the ceiling on pesticide research."

The enclosed bill will accomplish this.

The act of August 1, 1958, as amended (16 U.S.C. 742d-1) directed the Secretary of the Interior to undertake a comprehensive and continuing program of study and research on the effects of pesticides on our Nation's fish and wildlife. The purpose of this program is to find amounts, percentages, and formulations of pesticidal chemicals which can be used safely, and which will prevent losses to this valuable resource. An annual appropriation of \$280,000 was authorized to carry out this program. In 1959 this amount was increased to \$2,565,000. This is the present ceiling on pesticide research.

Under this ceiling, the present program includes controlled laboratory studies of acute and chronic toxicities to selected species of wildlife and fish, development of new and improved methods of testing and analysis, the measurement of pesticide residues in tissues and organs of fish and wildlife specimens, and pretreatment and posttreatment observations of the effects of pest control chemicals upon the fish and wildlife environment.

The studies to date have revealed widespread presence of the residues of several widely used pesticidal chemicals in specimens of fish and wildlife collected from practically all parts of the country. Little is known, however, concerning the possible presence of many other present-day pesticidal materials or of their effects upon survival, reproduction, and growth of the fauna inhabiting land and water areas subjected to treatments or contamination by these substances. The acute and chronic effects resulting from exposure to combinations of such toxic agents is likewise largely unknown, although related studies have shown that one chemical may heighten the effect of another. While some of the residue levels of these chemicals are not considered dangerous to humans, they may be well above the levels tolerated by more sensitive forms of animal life, such as fish and shellfish. Further expansion of research is needed to increase knowledge of these effects; and where they are found to be harmful, to facilitate the discovery and development of substitute methods for necessary pest control that are more selective in their modes of action and do not persist in the environment for prolonged periods.

Enactment of the enclosed bill will permit such an expansion.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

FRANK R. BRIGGS,
Assistant Secretary of the Interior.

AGENCY COMMENTS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 7, 1963.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of April 9, 1963, giving us the opportunity to review and report on S. 1251, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

The bill would authorize the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides for the purpose of determining whether the chemicals are harmful or hazardous to fish and wildlife resources. It provides that on the basis of these studies, the Secretary of the Interior shall transmit information to the Secretary of Agriculture as to how injury to fish and wildlife through the use of insecticides, herbicides, fungicides, or pesticides can be prevented or minimized, and that the Secretary of Agriculture shall require such information or warning to appear on the label of each package of such insecticide, herbicide, fungicide, or pesticide under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act. The bill further provides that the Secretary of the Interior would distribute, to interested persons and agencies, both public and private, data collected showing the effects of pesticides and would authorize him to construct, operate, and maintain facilities necessary

to carry out the purposes of the bill. S. 1251 also would authorize the appropriation of the necessary funds to carry out its purposes. The proposed amendments would be effective 180 days after the bill's enactment.

Under the Federal Insecticide, Fungicide, and Rodenticide Act, this Department is responsible for regulating the interstate movement of plant regulators, defoliants, and desiccants and of substances intended for preventing, destroying, repelling, or mitigating insects, rodents, fungi, weeds, and other forms of plant or animal life or viruses (except viruses on, or in, living man or other animals) which the Secretary of Agriculture declares to be a pest. The act requires registration of any of the above products which must be determined by the Secretary of Agriculture to be effective for the proposed use, and safe when used in accordance with directions on the label. If, in the opinion of the Secretary, the information submitted is not sufficient to furnish a basis for registration, the applicant is notified wherein it fails to do so and given the opportunity to make corrections by furnishing additional information. Registration is not granted until the necessary information is received and found acceptable.

This Department consults with other Federal agencies or departments which can provide information on scientific data useful in connection with the responsibilities of the Secretary in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. The Departments of Agriculture and Interior maintain active liaison to review new research information which may lead to more effective pest control or minimize risks to wildlife. Officials of the two agencies meet frequently to discuss problems of mutual interest.

This Department favors the proposed bill to the extent that it would provide new and more extensive research data on the relation of pesticides to fish and wildlife and better information to this Department for use in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. However, it is anticipated, also, that the proposed bill as drafted might be interpreted by manufacturers as relieving them of their responsibility to conduct pharmacological studies on the effects of chemicals on fish and wildlife. The burden of providing proof of the safety of a chemical should remain with industry, while Government resources are used for supplementary basic research and for testing and verification of industry claims.

The provisions of that part of the proposed amendment dealing with the labeling of products registered under the Federal Insecticide, Fungicide, and Rodenticide Act would appear to create the possibility of conflict of authority between the Secretary of the Interior and the Secretary of Agriculture in the administration of the act.

Difficult problems in the registration of pesticides involve the Department of Health, Education, and Welfare, as well as the Departments of Interior and Agriculture. In the report of the President's Science Advisory Committee on "Use of Pesticides," recommendation No. 4 states:

"The Secretaries of Agriculture, Interior, and Health, Education, and Welfare review and define their roles in the registration of pesticides that are not present on food, but that may impinge on fish and wildlife or come into intimate contact with the public."

The Department is in entire agreement with this recommendation and will cooperate fully with the Departments of the Interior, and Health, Education, and Welfare to put it into effect. Accordingly,

until this review recommended by the Science Advisory Committee is completed, this Department recommends that no legislative action be taken.

The Bureau of the Budget advises that while there is no objection to the presentation of this report from the standpoint of the administration's program, and while it endorses the principles and objectives of the bill, the question of the specific relationships among the Departments of Agriculture, Interior, and Health, Education, and Welfare, in this area, are under study and recommendations for procedures different from those proposed in the bill may result.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, June 13, 1963.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of April 9, 1963, for a report on S. 1251, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides. This is also in response to your request to the Commissioner of Food and Drugs of April 10, 1963.

The bill would require the Secretary of the Interior, on the basis of studies of the effects of insecticides, herbicides, fungicides, or pesticides on fish and wildlife, to transmit to the Secretary of Agriculture information as to how, in the use of such chemicals, injury to fish and wildlife can be prevented or minimized. The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall then require that such information or warning shall appear on the label of each package of such chemical which is required to be labeled under the Federal Insecticide, Fungicide, and Rodenticide Act.

The bill would also authorize the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides to determine whether the chemicals are harmful or hazardous to fish and wildlife; to distribute data showing the effects of pesticides on fish and wildlife; and to construct, operate, and maintain facilities necessary to these purposes.

We are in accord with the objective of this bill to give due consideration to the interests of conservation of fish and wildlife in the regulation of pesticides.

The President's Science Advisory Committee recently prepared for the President a report on the "Use of Pesticides." In releasing the report for publication, the President stated, "I have already requested the responsible agencies to implement the recommendations in the report, including the preparation of legislative and technical proposals which I shall submit to the Congress."

This Department is now engaged in a comprehensive review of that report from the point of view of its interests in this field, with the objective of preparing appropriate recommendations to the President in response to his request, including those bearing on registration and label warnings of the chemicals included in this bill. As the pro-

visions of this bill are closely related to the report of the Science Advisory Committee, they must be evaluated in the light of that report and our consideration of its objectives.

We therefore recommend that consideration of S. 1251 be deferred pending development of the administration's program in this field.

The Bureau of the Budget advises that while there is no objection to the presentation of this report from the standpoint of the administration's program and it endorses the principles and objectives of this bill, the question of the specific relationship among the Departments of Agriculture, Interior, and Health, Education, and Welfare in this area is under study and recommendations for procedures different from those proposed in the bill may result.

Sincerely,

ANTHONY J. CELEBREZZE,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 14, 1963.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: Your committee has requested this Department's views and recommendations on S. 1251, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

We recommend the enactment of this bill with some minor amendments.

Section 1 of S. 1251 adds a new subsection (b) to section 1 of the act of August 1, 1958, as amended (16 U.S.C. 742d-1) requiring the Secretary of the Interior to transmit to the Secretary of Agriculture information, based on the studies conducted under subsection (a) of the act, as to how, in the use of insecticides, herbicides, fungicides, or pesticides, injury to fish and wildlife can be prevented or minimized. This section further provides that the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall require that such information or warning pertinent to any insecticides, herbicides, fungicides, or pesticides shall appear on the label of each package containing such substances that must be labeled under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135K). This provision keeps in the Secretary of Agriculture after consulting with the Secretary of the Interior final responsibility for the type of warning, if any, that must appear on the label. We believe this provision is desirable.

Section 2 of the bill would amend the 1958 act, as amended by the act of September 16, 1959 (16 U.S.C. 742d-1 note) by deleting section 2 of the act and inserting two new sections. The first section would authorize the Secretary of the Interior to (1) conduct a research program of evaluating chemicals proposed to be used as pesticides to determine whether such chemicals are harmful or hazardous to fish and wildlife resources; (2) distribute to interested persons and public or private agencies data showing the effects of pesticides which has been collected under the act; and (3) construct, operate, and maintain facilities, including laboratories, necessary to carry out the purposes

of the act. The second section authorizes to be appropriated such sums as may be necessary to carry out the purposes of the act, as amended. Thus, this has the effect of removing the ceiling of \$2,565,000 presently authorized to carry out the purposes of the 1958 act.

While we believe that the Secretary is authorized under the 1958 act to perform many of the activities included in section 2 of the bill, S. 1251 will be extremely helpful in providing more definitive guidelines for carrying out this program of research. Up to the present time, it has been the practice of the chemical industry to test new compounds upon relatively few forms of plant and animal life. These studies have not included tests upon indicator species of fishes, birds, mammals, and food organisms to ascertain whether the compound poses hazards to such creatures in treated areas. Admittedly, this is a gap in our knowledge. S. 1251 clearly authorizes the Secretary to carry out studies and screening programs for the purposes of closing this gap.

In the report of the President's Science Advisory Committee "Use of Pesticides" of May 15, 1963, the following recommendation was made:

"The panel recommends expanded research and evaluation by the Department of the Interior of the toxic effects of pesticides on wild vertebrates and invertebrates.

"The study of wildlife presents a unique opportunity to discover the effects on the food chain of which each animal is a part, and to determine possible pathways through which accumulated and, in some cases, magnified pesticide residues can find their way directly or indirectly to wildlife and to man."

S. 1251 is designed to permit expanded research and evaluation programs.

Advancements in technology and the rapid expansion in the use of chemicals in all aspects of present-day living demand the closest cooperation and understanding among the various interested governmental agencies and the chemical industry. Chemicals essential to the health and comfort of the people, the maintenance of a safe and adequate food supply, and the preservation of our natural resources, must be used intelligently and with full consideration of possible adverse effects upon humans, domestic animals, and our Nation's fish and wildlife resources. In order to achieve these aims, there must be continuous communication of plans and ideas between scientists who point the way and administrators who interpret new knowledge and place such knowledge in everyday use.

This Department has long recognized that many situations involving losses to fish and wildlife following the application of insecticides, fungicides, rodenticides, and other pesticides are due to a lack of knowledge concerning ecological relationships and prior information on the toxic effects of such formulations upon fishes, birds, mammals, and food organisms in areas where such chemicals are used. Because of their high toxicity, lack of specificity, stable residual properties, and biological magnification resulting from their tendency to concentrate in food organisms, a number of pesticidal chemicals now used pose unavoidable hazards. These can best be avoided by the discovery, development, and substitution of new materials that are highly specific in their effects and readily broken down in nature. S. 1251 is designed to promote these aims, eliminate shortcomings, and to

acquire and disseminate new knowledge of chemical structures, formulations, and application of techniques by which this may be accomplished.

This legislation is not intended to be an enforcement measure or a means of regulating an industry, rather it is designed to disseminate information to the general public and to promote a more adequate and efficient research program for the benefit of everyone, including public and private agencies, in general and for the protection of our Nation's fish and wildlife resources in particular. Accordingly, we favor the enactment of S. 1251.

Our suggested amendments are as follows:

1. In the title of the bill, after "insecticides, herbicides, fungicides, and" insert "other".
2. Page 2, line 2, before the word "pesticides" insert "other".
3. Page 2, lines 6 and 7, after the word "or" insert "other".
4. Page 2, line 17, after "for use as" insert "insecticides, herbicides, fungicides, or other".
5. Page 2, line 22, after "the effects of" insert "insecticides, herbicides, fungicides, or other".

The Bureau of the Budget has advised that while there is no objection to the presentation of this report from the standpoint of the administration's program, and it endorses the principles and objectives of the bill, the question of the specific relationships among the Departments of Agriculture, Interior, and Health, Education, and Welfare, in this area, are under study and recommendations for procedures different from those proposed in the bill may result.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 7, 1963.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on:

S. 969, to provide medical care for certain Coast and Geodetic Survey retired ships' officers and crewmembers and their dependents, and for other purposes.

S. 978, to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel.

S. 1251, to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

S. 1263, to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses.

S. 1322, to authorize and direct the Secretary of the Treasury to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges.

These bills have been examined, but since their subject matter does not directly affect the activities of the Department of Justice, we would prefer not to offer any comment concerning them.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 9, 1963.

B-128552.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: Your letter dated April 9, 1963, requests our comments on S. 1251, 88th Congress, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

We have no special information relative to the need for, or desirability of, legislation of this nature and, since the provisions of the bill would not affect the functions or operations of this Office, we make no recommendation concerning its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PLANNING,
Washington, D.C., April 23, 1963.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for a report on S. 1250, 88th Congress, a bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; and S. 1251, 88th Congress, a bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

The Office of Emergency Planning defers to the departments and agencies which have a direct interest in the subject matter of these bills.

From the standpoint of the administration's program, the Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely,

EDWARD A. McDERMOTT.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic*, existing law in which no change is proposed is shown in roman, matter which is omitted is shown in brackets):

PUBLIC LAW 85-582, 85TH CONGRESS (72 STAT. 479), AS
AMENDED

* * * * *

That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides, and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

[SEC. 2. The sum of \$2,565,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.]

SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to exceed \$5,000,000 for each of the two fiscal years immediately following such year.



Calendar No. 156

89TH CONGRESS
1ST SESSION

S. 1623

[Report No. 169]

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1965

Mr. MAGNUSON (for himself and Mrs. NEUBERGER) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce

APRIL 28, 1965

Reported by Mr. MAGNUSON, with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act of August 1, 1958 (72 Stat. 479),
4 as amended by the Act of September 16, 1959 (73 Stat.
5 563), is amended to read as follows:

6 “~~SEC. 2.~~ There are authorized to be appropriated such
7 sums as may be necessary to carry out the provisions of this
8 ~~Act.~~”

1 “SEC. 2. In order to carry out the provisions of this
 2 Act, there are authorized to be appropriated for the fiscal
 3 year ending June 30, 1966, not to exceed \$3,200,000, and
 4 not to exceed \$5,000,000 for each of the two fiscal years
 5 immediately following such year.”

A BILL

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

By Mr. MAGNUSON and Mrs. NEUBERGER

MARCH 25, 1965

Read twice and referred to the Committee on
Commerce

APRIL 28, 1965

Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C.

20250

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OFFICE OF
BUDGET AND FINANCE

(For information only;
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or cited)

Issued

April 30, 1965

For actions of

April 29, 1965

89th-1st; No. 76

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HIGHLIGHTS: Both Houses agreed to conference report on second supplemental appropriation bill. Senate committee reported Interior appropriation bill. House committee reported Labor-HEW appropriation bill. Rep. Morgan introduced foreign aid bill.

SENATE

1. SECOND SUPPLEMENTAL APPROPRIATION BILL, 1965. Both Houses agreed to the conference report on this bill, H. R. 7091, and acted on the amendments in disagreement (pp. 8550-63, 8681-95). This bill will now be sent to the President. With regard to the language on the screwworm program which the conferees reported in technical disagreement, agreed to language providing that \$100,000 shall be "for the purpose of extending the screwworm barrier zone on a limited basis to Arizona and California with cost-sharing from State and local sources of at least 50 per cent of the expenses

of production, irradiation and release of the screw-worm flies." See Digest 75 for a summary of other items for this Department. Also, the bill includes: \$35 million for the President's disaster relief fund; \$16 million for the Land and Water Conservation Fund of which not to exceed \$750,000 shall be available to the Forest Service; \$45 million for the Department of Commerce for supplemental grants-in-aid for Federal programs in the Appalachian Region; and \$16 million for the Department of the Interior for carrying out a nation-wide study of strip and surface mine rehabilitation and reclamation, and a program of mining area restoration, as authorized by the Appalachian Regional Development Act.

2. DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1966. The Senate Appropriations Committee reported with amendments this bill, H. R. 6767 (S. Rept. 172) (p. 8609), which includes amounts for the Forest Service as shown on the table attached to this digest. Excerpts from the Senate Committee report are also attached.
3. PESTICIDES RESEARCH. Passed as reported S. 1623, to increase the annual appropriation authorization for pesticide research by the Department of the Interior from \$2,565,000 to \$3.2 million for fiscal year 1966 and \$5 million annually for fiscal years 1967 and 1968. pp. 8659-60
4. SMALL BUSINESS; DISASTER RELIEF. The Small Business Subcommittee of the Banking and Currency Committee approved for full committee consideration with amendments S. 1796, to amend the Small Business Act so as to provide additional assistance for disaster victims. p. D334
5. SOIL CONSERVATION. Sen. Byrd, Va., commended the work of the Soil Conservation Service on its 30th anniversary. p. 8651
Sen. Yarborough inserted a letter to the New York Times by SCS Administrator Williams reviewing drought conditions in the Great Plains area and the work of the Great Plains Conservation Program in helping prevent erosion. pp. 8656-7
6. STOCKPILING. Received from the Office of Emergency Planning a report on the strategic and critical materials stockpiling program for the 6-month period ending Dec. 31, 1964. p. 8607
Sen. Byrd, Va., submitted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal stockpile inventories, including CCC commodity inventories, as of Feb. 1965. pp. 8609-18
7. CONSERVATION. Sen. McIntyre inserted the address of Interior Secretary Udall at the N. H. Governor's Conference on Outdoor Recreation reviewing natural resource conservation policies, "Conservation and the Good Life." pp. 8651-3
8. WOOL. Sen. McGovern commended Sen. McGee for having received the Golden Fleece Award of the National Assoc. of Wool Manufacturers. p. 8655
9. COSPONSORS were added to S. 1766, to authorize the Secretary of Agriculture to make and insure loans to public and quasi-public agencies and non-profit corporations to provide rural water supply and water systems. pp. 8639-40
10. FOREIGN AID. Sen. Miller criticized the foreign aid program in Indonesia. pp. 8698-9

fer upon you greater wisdom or understanding than you possessed when your voice reached only from one end of the bar to the other. All of these things you know.

"You should also know at the outset that, in the manner of witnesses before congressional committees, I appear here voluntarily—by invitation—that I am an employee of the Columbia Broadcasting System—that I am neither an officer nor a director of that corporation—and that these remarks are of a 'do-it-yourself' nature. If what I have to say is responsible, then I alone am responsible, for the saying of it. Seeking neither approbation from my employers, nor new sponsors, nor acclaim from the critics of radio and television, I cannot well be disappointed. Believing that potentially the commercial system of broadcasting as practiced in this country is the best and freest yet devised, I have decided to express my concern about what I believe to be happening to radio and television. These instruments have been good to me beyond my due. There exists in my mind no reasonable grounds for personal complaint. I have no feud, either with my employers, any sponsors, or with the professional critics of radio and television. But I am seized with an abiding fear regarding what these two instruments are doing to our society, our culture, and our heritage."

IN MORTAL DANGER

"Our history will be what we make it. And if there are any historians about 50 or a 100 years from now, and there should be preserved the kinescopes for 1 week of all three networks, they will there find recorded in black and white, or color, evidence or decadence, escapism and insulation from the realities of the world in which we live. I invite your attention to the television schedules of all networks between the hours of 8 and 11 p.m., Eastern time. Here you will find only fleeting and spasmodic reference to the fact that this Nation is in mortal danger. There are, it is true, occasional informative programs presented in that intellectual ghetto on Sunday afternoon. But during the daily peak viewing periods, television in the main insulates us from the realities of the world in which we live. If this state of affairs continues, we may alter an advertising slogan to read: 'Look Now, Pay Later.' For surely we shall pay for using this most powerful instrument of communication to insulate the citizenry from the hard and demanding realities which must be faced if we are to survive. I mean the word—survive—literally. If there were to be a competition in indifference, or perhaps in insulation from reality, then Nero and his fiddle, Chamberlain and his umbrella, could not find a place on an early-afternoon sustaining show. If Hollywood were to run out of Indians, the program schedules would be mangled beyond all recognition. Then, some courageous soul with a small budget might be able to do a documentary telling what, in fact, we have done—and are still doing—to the Indians in this country. But that would be unpleasant. And, we must at all costs shield the sensitive citizens from anything that is unpleasant."

My how it needed saying:

Two years later, Newton Minow made his maiden speech as chairman of the Federal Communications Commission. His inspiration seems plain.

VAST WASTELAND

"I invite you to sit down in front of your television set," he said, "when your station goes on the air and stay there without a book, magazine, newspaper, profit-and-loss sheet or rating book to distract you—and keep your eyes glued to that set until the station signs off. I can assure you that you will observe a vast wasteland."

To television's credit, the network and local news departments slowly began to get the manpower and the budgets and some time.

Any critique of television today must necessarily except the efforts in the news field, network and local. They could do much better—but by comparison with the bleak picture a few years ago, the performance is splendid, as the Peabody Award Committee just noted with its citation to the industry for "inescapably confronting the American public with the realities of racial discontent." While chiding TV for "a dreary sameness and steady conformity," the committee also cited "CBS Reports" and ABC Reporter William Lawrence.

No memorials are necessary to Murrow. You will find his spirit in the best of news and documentary shows and the hundreds of working TV newsmen he influenced. The sharpest loss is theirs.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if there is no further morning business, I should like to have the Senate proceed to the consideration of certain bills on the calendar.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXEMPTION OF OCEANOGRAPHIC RESEARCH VESSELS FROM APPLICATION OF CERTAIN VESSEL INSPECTION LAWS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 155, S. 627.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 627) to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 627) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act—

(1) the term "oceanographic research vessel" means a vessel which the Secretary of the department in which the Coast Guard is operating finds is operated in the public interest by being employed exclusively in scientific research, or in instruction in oceanography or limnology, or both; and

(2) the term "scientific personnel" means persons who are aboard a vessel solely for the purpose of engaging in scientific research, instructing, or receiving instruction, in oceanography or limnology.

SEC. 2. An oceanographic research vessel shall not be considered a passenger vessel, a vessel carrying passengers, or a passenger-carrying vessel under the provisions of the laws relating to the inspection and manning of merchant vessels by reason of the carriage of scientific personnel.

SEC. 3. Scientific personnel on an oceanographic research vessel shall not be con-

sidered seamen under the provisions of title 53 of the Revised Statutes and Act amendatory thereof or supplementary thereto.

SEC. 4. If the Secretary of the department in which the Coast Guard is operating determines that the application to any oceanographic research vessel of any provision of title 52 or title 53 of the Revised Statutes, or Acts amendatory thereof or supplementary thereto, is not necessary in the public interest, he may by regulation exempt any such vessel from such provision, upon such terms and conditions as he may specify.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 168), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this proposed legislation is to encourage and facilitate oceanographic research and to remove several restrictions which have hampered the expansion of research in the marine sciences. This will be accomplished by exempting oceanographic research vessels from the application of certain vessel inspection laws.

CONTINUATION OF STUDY BY SECRETARY OF THE INTERIOR OF THE EFFECTS OF INSECTICIDES, HERBICIDES, FUNGICIDES, AND OTHER PESTICIDES UPON FISH AND WILDLIFE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 156, S. 1623.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1623) to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment on page 1, after line 5, to strike out:

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

And, in lieu thereof, to insert:

SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to exceed \$5,000,000 for each of the two fiscal years immediately following each year.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read as follows:

"SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to

exceed \$5,000,000 for each of the two fiscal years immediately following such year."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1623) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 169), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to increase the authorized annual appropriation for pesticide research by the Department of the Interior from \$2,565,000 to \$3.2 million for fiscal year 1966 and \$5 million annually for fiscal years 1967 and 1968.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. Nothing is pending at the moment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Is their objection? The Chair hears none. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS], numbered 82, to the committee substitute.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONALITY OF PROPOSED VOTING RIGHTS ACT OF 1965

Mr. CLARK. Mr. President, Hon. Archibald Cox, Solicitor General of the United States, recently delivered a speech before the Student Bar Association of the University of Houston. This address will be printed soon in the Houston Law Review.

The address is entitled "The Constitutionality of the Proposed Voting Rights Act of 1965."

As one would expect from the very able and learned Solicitor General, I believe that there is food for much thought by Members of the Senate contained in this address.

I ask unanimous consent that the address may be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CONSTITUTIONALITY OF THE PROPOSED VOTING RIGHTS ACT OF 1965

(Address by Hon. Archibald Cox, Solicitor General of the United States, prepared for delivery before Student Bar Association of the University of Houston, Houston Club, Apr. 10, 1965)

When Robert H. Jackson was Solicitor General, he used to tell of a letter which arrived at the Washington Post Office addressed simply, the Celestial General, Washington, D.C. Within the hour, he used to boast, the letter was delivered to his office. I always enjoy lawyers, and especially law schools, but Texas, with its warm hospitality, makes me too feel like a celestial general.

Although its adjudication lies in the future, the most pressing constitutional questions today are probably those raised by the proposed Voting Rights Act of 1965. One could feel quite certain a year ago that the Supreme Court would unanimously uphold the constitutionality of the Federal equal public accommodations law for its provisions were all within a line of settled precedents going back to the Labor Board cases of 1937. The new Voting Rights Act of 1965 raises novel and I suppose fairly arguable questions; yet when one studies them closely, the conviction grows that this bill too is constitutional. I shall try not to talk too much like a professor but it occurred to me that you might be interested in taking a few moments to consider these questions.

The proposed Voting Rights Act of 1965 has two central features:

1. Provision for suspending under specified circumstances and for a substantial period the bundle of the State laws described as tests or devices, ranging from literacy tests to the more sophisticated requirements that a person seeking to vote demonstrate his understanding of the duties and obligations of citizenship, or his ability to interpret any provision of the State or Federal Constitution; and

2. Provision for the appointment of Federal examiners to register the victims of discrimination in areas in which local officials refuse to register qualified Negro voters even after the voiding of State laws establishing the tests or devices invalidated by the first feature of the act.

These provisions become operable upon three determinations made by the Attorney General and the Director of the Census without judicial review:

1. that the State has maintained laws establishing "interpretation" or "understanding" or "literacy" tests or other tests or devices;

2. that less than 50 percent of the persons of voting age in the State as a whole or an individual county have registered and voted;

3. that 20 percent of the population of voting age is nonwhite.

The authority to enact these provisions is conferred by section 2 of the 15th amendment. Section 1 guarantees all citizens against denial or abridgment of the right to vote by reason of race or color. Section 2 provides:

The Congress shall have power to enforce this article by appropriate legislation.

It is beyond dispute, as a matter of history, that the 14th and 15th amendments were adopted with a view to enlarging the powers of Congress and providing for congressional enforcement of the substantive constitutional rights.¹ By one of those curious turns of history that defeat the expectations of men, in fact we have until recently left enforcement to the judicial process and nobody of precedent is available to delimit the scope of the power to enact appropriate legislation. The closest analogy seems to be the "necessary and proper" clause in article I. The decisions under that clause suggest (i) that what is "appropriate" is essentially a question of fact and (ii) that the judgments expressed by Congress upon the question of fact, while not conclusive, will not be lightly disturbed.²

The conclusion that the immediate suspension of all tests or devices is appropriate where the three determinations are made rests upon three facts well known to Congress.

First. The coincidence of (i) the use of "understanding," "interpretation" and literacy tests and other tests and devices with (ii) low registration and voting and (iii) a substantial Negro population creates a strong probability that the low registration and voting are the result of racial discrimination in the use of the test. This is especially true anywhere there is a substantial nonwhite population.

Second. Court decisions³ as well as general history demonstrate that most of such tests and devices—notably the "interpretation" and "understanding" tests—were devised and administered for the purpose of denying Negroes the right to vote.

By 1860, all of the States in which discrimination in voting is currently a problem had abandoned property qualifications and had no literacy requirements; they admitted to suffrage all adult white male citizens except lunatics and certain convicts. All the "tests and devices" were adopted after 1890.⁴ The "interpretation" and "understanding" tests were frankly designed to enable local registrars to qualify all white applicants and disqualify all Negroes. Senator Bilbo explained in 1946, for example, that the real function of

¹ See Mathews, "Legislative and Judicial History of the 15th Amendment," pp. 76-79. And see *Ex parte Virginia*, 100 U.S. 339, 345.

² See *McCulloch v. Maryland*, 4 Wheat. 316, 420; *Heart of Atlanta Motel Corp. v. United States*, 379 U.S. 241; *Katzenbach v. McClung*, 379 U.S. 294. See also *Norman v. Baltimore & O.R. Co.*, 294 U.S. 240, 311.

³ *Davis v. Schnell*, 81 F. Supp. 872, affirmed, 336 U.S. 933 (Alabama); *Alabama v. United States*, 304 F. 2d 583, affirmed, 371 U.S. 37; *Louisiana v. United States*, No. 67, this term, decided March 8, 1965; brief for the United States in *United States v. Mississippi*, No. 73, this term.

⁴ A partial history of the initial adoption of these tests and devices in the South is as follows:

Literacy: (a) by reading and/or writing a constitutional text: Miss. (1890); S.C. (1895); N.C. (1900); Ala. (1901); Va. (1902); Ga. (1908); La. (1921). And see Okla. (1910), (b) by completing an application form unaided: La. (1898); Va. (1902); La. (1921); Miss. (1954).

Oral constitutional "understanding" and "interpretation tests for illiterates: Miss. (1890); S.C. (1895); Va. (1902); La. (1921). Understanding of the duties and obligations of citizenship: Ala. (1901); Ga. (1908); La. (1921); Miss. (1954).

Good moral character requirement (other than nonconviction of a crime): Ala. (1901); Ga. (1908); La. (1921); Miss. (1960).

89TH CONGRESS
1ST SESSION

S. 1623

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1965

Referred to the Committee on Merchant Marine and Fisheries

AN ACT

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act of August 1, 1958 (72 Stat. 479),
4 as amended by the Act of September 16, 1959 (73 Stat.
5 563), is amended to read as follows:

6 “SEC. 2. In order to carry out the provisions of this
7 Act, there are authorized to be appropriated for the fiscal
8 year ending June 30, 1966, not to exceed \$3,200,000, and

- 1 not to exceed \$5,000,000 for each of the two fiscal years
- 2 immediately following such year."

Passed the Senate April 29, 1965.

Attest: FELTON M. JOHNSTON,
Secretary.

AN ACT

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

MAY 3, 1965

Referred to the Committee on Merchant Marine and Fisheries

August 19, 1965

2. FOREIGN AID. Agreed to 244 to 150, the conference report on H. R. 7750, the foreign aid authorization bill (pp. 20228-33). See Digest 152 for items of interest.
Rep. Udall commended the Alliance for Progress on its fourth anniversary.
pp. 20315-6
3. TRANSPORTATION. Agreed to the conference report on H. R. 5401, to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system. This bill will now be sent to the President. pp. 20234-5
4. STATE-JUSTICE-COMMERCE-JUDICIARY APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 8639. pp. 20233-4
5. FOREIGN TRADE. Conferees were appointed on H. R. 7969, to correct certain errors in the Tariff Schedules of the U. S. (p. 20228). Senate conferees have already been appointed.
Conferees were appointed on H. R. 5768, to extend for an additional 3-year period (until Nov. 7, 1968) the existing suspension of duties on certain classifications of yarn of silk (p. 20228). Senate conferees have not yet been appointed.
6. RESEARCH. The Interstate and Foreign Commerce Committee reported with amendment H. R. 3420, to provide economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise (H. Rept. 817). p. 20322
7. FOREIGN SERVICE. The Foreign Affairs Committee reported with amendment H. R. 6277, to amend the Foreign Service Act of 1946 (H. Rept. 830). p. 20322
8. APPROPRIATIONS. The Appropriations Committee reported without amendment H. R. 10586, making supplemental appropriations to HEW for fiscal year 1966 (H. Rept. 818). p. 20322
9. RECLAMATION. A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendment H. R. 4851, to amend the Small Reclamation Projects Act of 1956. p. D823
10. TRANSPORTATION RESEARCH. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 5863, to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation. p. D823
11. INSECTICIDES; FISHERIES. A subcommittee of the Merchant Marine and Fisheries Committee voted to report to the full committee S. 1623, to authorize a continuing study by Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses, and H. R. 23, with amendment, to authorize Interior to initiate a program for the conservation and development of anadromous fish in cooperation with the States. p. D823
12. ORGANIZATION; LAWS. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 10104, to codify the general and permanent laws relating to the organization of the Federal Government and to its employees.
p. D823

13. PERSONNEL; MANPOWER. Received a report of the Post Office and Civil Service Committee on current manpower issues in the Federal Government (H. Rept. 816). p. 20322
14. WATER RESOURCES. Rep. Brock spoke in support of his bill, H. R. 10539, to establish a national water resources trust fund for research and development of water resources and their use. p. 20310
15. LEGISLATIVE PROGRAM. Rep. Albert announced that H. R. 9567, the proposed Higher Education Act of 1965, will be considered next week. pp. 20299-300
16. ADJOURNED until Mon., Aug. 23. p. 20321

SENATE

17. POVERTY. Passed with amendments H. R. 8283, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964 (pp. 20325, 20326-30, 20332-37, 20340-78). Conferees were appointed (p. 20377). The bill amends title III (Special Programs to Combat Poverty in Rural Areas) of the Economic Opportunity Act so as to make clear that prohibition against loans to cooperatives organized for manufacturing purposes does not prevent loans to cooperatives processing dairy products or similar edible farm products; to clarify the authority granted with respect to the types and scope of assistance and the institutions through which assistance may be extended to migrant workers and their families; and to authorize the appropriation of \$55 million for fiscal year 1966 for carrying out the purposes of title III.
Agreed to the following amendments:
 - By Sen. McGovern, to assure that benefits under the legislation are distributed equitably between the urban and rural areas. pp. 20353-54
 - By Sen. Javits, to authorize hearings on a Governor's request regarding proposed contracts, agreements, grants, loans, or other assistance for carrying out titles I and II covering youth programs for urban and rural community action programs. pp. 20354-57Rejected the following amendments:
 - By Sen. Prouty, 44-48, and Sen. Dominick, 49-42, to permit a Governor's veto on youth, urban and rural community action programs. pp. 20326-37
 - By Sen. Prouty, 35-58, to provide that all functions under title III (relating to rural areas) be transferred to the Secretary of Agriculture. pp. 20341-46
18. STOCKPILE. The Armed Services Committee reported without amendment H. R. 9544, to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 620,000 long tons of natural rubber from the national stockpile (S. Rept. 626). p. 20378
19. LOANS. The Agriculture and Forestry Committee reported with amendment H.R. 4152, to provide means for expediting the retirement of Government capital in the Federal intermediate credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, and to provide for allocating certain earnings of such banks and associations to their users (S. Rept. 630). p. 20378

Sept 8, 1965

12. STOCKPILING. The Armed Services Committee reported with amendment H. R. 6852, to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 47,000,000 pounds of abaca from the national stockpile (H. Rept. 964); without amendment H. R. 10715, to authorize the disposal of chemical grade chromite from the supplemental stockpile (H. Rept. 967); without amendment H. R. 10516, to authorize the disposal of vegetable tannin extracts from the national stockpile (H. Rept. 968); and without amendment H. R. 10714, to authorize the disposal of colemanite from the supplemental stockpile (H. Rept. 969). p. 22361
13. APPROPRIATIONS. Received the conference report on H. R. 10586, making supplemental appropriations to the Labor and HEW Departments. Conferees had been appointed earlier (H. Rept. 970) (pp. 22278-79). Senate Conferees had already been appointed. This bill includes: \$1,723,000 for the Labor Dept. for activities relating to admission and employment of foreign agricultural workers, and \$7,000,000 for the New Administration on Aging in HEW.
14. NATIONAL PARKS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 9417, to revise the boundary of Jewel Cave National Monument, S. Dak. p. D897
15. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1190, to provide that certain limitations shall not apply to certain land patented to Alaska for the use and benefit of the University of Alaska. p. D898
16. INSECTICIDES; FISHERIES. The Merchant Marine and Fisheries Committee voted to report (but did not actually report). S. 1623, to authorize a continuing study by Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource, and H. R. 23 (amended), to authorize Interior to initiate a program for the conservation and development of anadromous fish in cooperation with the States. p. D898
17. OCEANOGRAPHY. A subcommittee of the Merchant Marine and Fisheries voted to report to the full committee S. 944, with amendments, to provide for expanded research in the oceans and the Great Lakes, and to establish a National Oceanographic Council. p. D898
18. ELECTRIFICATION. Rep. Duncan, Oreg., expressed disappointment over "Interior's announcement that the Bonneville Power Administration is petitioning the Federal Power Commission for an increase in its power rates." p. 22342
19. POVERTY; FARM LABOR. Rep. Dickinson stated that there are "too many apple polishers and not enough apple pickers in the Poverty Corps" and that "our 'job camps' are bulging with people eating high on the hog who would not pick apples." pp. 22342-43
20. LIVESTOCK; MEATS. Rep. Dow spoke in support of his bill, H. R. 10880, to amend the Packers and Stockyards Act, stating that this bill, if enacted, "will allow the Packers and Stockyards Division to devote their full time and efforts to promoting free and open competition." p. 22356
21. PUBLIC WORKS. Received from the President proposed appropriations to finance the Public Works and Economic Development Act of 1965 (H. Doc. 290). p. 22361

ITEMS IN APPENDIX

22. FARM LABOR. Rep. Wilson, Calif., inserted an article critical of the Labor Dept.'s farm labor policies. pp. A5044-5
Extension of remarks of Rep. Matsunaga stating that Hawaii's sugar workers are the highest paid in the world. p. A5061
Extension of remarks of Rep. Leggett expressing his thanks publicly to Labor Secretary Wirtz for his certification of Mexican farm workers "to save the Calif. tomato harvest from catastrophe", and inserting an article reviewing agricultural labor in Calif. pp. A5077-8
23. FOOD RESERVE. Rep. Schmidhauser inserted an article concerning the need for national food reserves. p. A5045
24. EMPLOYMENT. Rep. Holland inserted Labor Secretary Wirtz' statement, "The Older American Worker: Age Discrimination in Employment." pp. A5046-9
25. WHEAT; FOREIGN TRADE. Extension of remarks of Rep. Fino opposing trade in wheat with the Soviet bloc and expressing the hope that "the administration will not drop the requirement that wheat shipped to the Soviets be shipped 50 percent of the time in American-flag ships." p. A5050
Rep. Lipscomb inserted an article opposing wheat shipments to Russia. pp. A5075-6
26. EXPENDITURES. Extension of remarks of Rep. Sweeney urging reduction in expenditures and stating that "...there are many areas wherein the Federal Government can 'wring out the water' from agency budgets and thereby affect reductions in spending." pp. A5051-2

BILLS INTRODUCED

27. ELECTRIFICATION. S. 2507, by Sen. Neuberger, to authorize the Secretary of the Interior to conduct a program of research regarding overhead electric transmission lines and the effect of such lines upon the health and welfare of citizens, community planning and zoning, real estate values and tax revenues, and the natural beauty of our country; to Commerce Committee. Remarks of author pp. 22202-4
S. 2508, by Sen. Neuberger, to authorize the Secretary of the Interior to conduct a program of research and development to encourage the use of underground transmission of electrical power and to undertake projects to evaluate and demonstrate the economical and technical feasibility of such transmissions; to Commerce Committee. Remarks of author pp. 22202-4
28. TAXATION. H. R. 10903, by Rep. Race, relating to certain claims for credit or refund of Federal income taxes; to Ways and Means Committee.
29. FOREIGN TRADE. H. R. 10906, by Rep. Moore, to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels; to Merchant Marine and Fisheries Committee. Remarks of author pp. 22355-6
30. URBAN AFFAIRS. H. Res. 573, by Rep. Morse, to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to Rules Committee.

BILLS APPROVED BY THE PRESIDENT

31. FOREIGN AID. H. R. 7750, the foreign aid authorization bill. Approved

found unsound governmentally," and inserted an article, "The Extraordinary Powers of the Bureau of the Budget." pp. 22965-8

7. MINERALS. Received from the President the semi-annual report of the Office of Minerals Exploration, Geological Survey. p. 22863
8. ACCOUNTING; BONDING. Received from Treasury the annual report on operations in connection with the bonding of Federal employees. p. 22936

HOUSE

9. POVERTY. Received the conference report on H. R. 8283, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964 (H. Rept. 1001)(pp. 22803-6). The bill amends title III (Special Programs to Combat Poverty in Rural Areas) of the Economic Opportunity Act so as to make clear that prohibition against loans to cooperatives organized for manufacturing purposes does not prevent loans to cooperatives processing dairy products or similar edible farm products; to clarify the authority granted with respect to the types and scope of assistance and the institutions through which assistance may be extended to migrant workers and their families; and to authorize the appropriation of \$55 million for fiscal year 1966 for carrying out the purposes of title III. Also, the bill extends until June 30, 1966, the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers who have been directed since Jan. 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Government at the time of use.
10. LOANS. The Rules Committee reported a resolution for the consideration of H. R. 10232, the FHA loan expansion bill. See Digest 161 for a summary of this bill. pp. 22780-81
11. LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1190, to provide that certain limitations shall not apply to certain land patented to the State of Alaska for the use and benefit of the University of Alaska (H. Rept. 984). p. 22861
12. BUILDINGS. The Government Operations Committee reported with amendment S. 1516, to authorize GSA to enter into contracts for the inspection, maintenance, and repair of fixed equipment in federally owned buildings (H. Rept. 993). p. 22861
13. TRANSPORTATION. Conferees were appointed on S. 1588, to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation (pp. 22777-78). Senate conferees have already been appointed.
14. TARIFF. The Ways and Means Committee voted to report (but did not actually report) with amendment H. R. 6568, to amend the Tariff Act of 1930 to provide for alteration of the duties on importation of copra, palm nuts and palm nut kernels and the oils crushed therefrom. p. D919
15. DISASTER RELIEF. Several Representatives discussed the damage caused by hurricane Betsy in Louisiana and urged legislation for additional disaster relief. pp. 22811-12, 22812-13, 22844, 22847, 22852

16. PUBLIC WORKS; ECONOMIC DEVELOPMENT. Rep. Patman commended and inserted excerpts from the President's speech on the occasion of the signing of the Public Works and Economic Development Act. pp. 22812-19
17. ELECTRIFICATION. Rep. Schmidhauser inserted a speech by Vice President Humphrey commending the cooperative rural electrification program. pp. 22841-42
18. WATER POLLUTION. The "Daily Digest" states that the conferees "agreed to file a conference report on...S.4, establishing a national program for the control and abatement of water pollution." p. D919
19. PEANUTS. Rep. Abbitt stated that the "peanut industry is one of the most important segments of industry in my area of Virginia," and inserted a speech of the president of the Association of Virginia Peanut and Hog Growers, Inc. pp. 22848-49
20. INSECTICIDES; FISHERIES. The Merchant Marine and Fisheries Committee reported without amendment S. 1623, to authorize a continuing study by Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource (H. Rept. 1002). p. 22861
21. WATERSHEDS. The Public Works Committee approved plans for works of improvement on the following watershed projects: Cooper Creek, Ark.; Limestone Stream, Maine; Long Creek, Miss.; Tuscumbia River, Miss. and Tenn.; Grindstone-Lost-Muddy Creek, Mo.; Stewarts Creek-Lovills Creek, N. C. and Va.; Upper Elk Creek, Okla.; Ferron, Utah, Choccolocco Creek, Als.; Little Clear Creek, Ark.; Grove River and South Fork Broad River, Ga.; SuAsCo supplement, Mass.; Busseron supplement, Ind.; Upper Choptank River, Del. and Md.; Little Raccoon Creek, In Timber Creek, Kans.; Tamarac River, Minn.; Quapaw Creek, Okla.; Buck Creek, Tex.; Cherrystone, Va.; and Rock Creek, Okla. pp. 22797-98

ITEMS IN APPENDIX

22. OPINION POLL. Rep. Brock inserted the results of his 1965 legislative questionnaire, including items of interest to this Department. p. A5151
23. INFORMATION. Extension of remarks of Rep. Younger expressing concern over information "processes" used by the administration, and inserting several articles on the number of press releases issued by the White House, one of which made reference to this Department. p. A5152
24. POVERTY. Reps. Edwards, Ala., Gubser, and Quie inserted articles critical of the poverty program. pp. A5157, A5171, A5181
25. PERSONNEL; PAY. Extension of remarks of Sen. Randolph stating that "It is mandatory that we arrive at an equitable level of compensation for our dedicated Federal employees." pp. A5159-62
26. WATER. Extension of remarks of Rep. Bandstma urging passage of the bill to provide loans for the development of rural water systems and inserting an article, "Water: Rural America's Greatest Need." pp. A5165-6
Extension of remarks of Reps. Brock urging greater utilization of our water resources and inserting articles, "Water: A Dwindling Reserve", and "100 Billion for Fresh Water?" pp. A5174-7

PROTECTION OF FISH AND WILDLIFE FROM PESTICIDES

SEPTEMBER 14, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GARMATZ, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany S. 1623]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 1623) to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource, having considered the same report favorably thereon without amendment, and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to increase the ceiling on authorized annual appropriations for pesticide research from \$2,565,000 to \$3.2 million for fiscal year 1966 and to \$5 million annually for fiscal years 1967 and 1968.

BACKGROUND

S. 1623 would amend the act of August 1, 1958, as amended (16 U.S.C. 742d-1). This act directs the Secretary of the Interior to undertake a comprehensive and continuing program of study and research on the effects of pesticides and other poisonous chemicals upon our Nation's fish and wildlife for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal or that can be used safely. There was authorized to be appropriated the sum of \$280,000 to carry out the purposes of this act. In 1959 the annual authorization was increased to \$2,565,000, which is the present ceiling on pesticide research.

During the last Congress, your committee held hearings on legislation that would, among other things, authorize to be appropriated the sum of \$3.2 million for fiscal year 1965 and a sum not to exceed \$5

million annually each year thereafter. The committee reported and the House passed H.R. 4487. The Senate passed S. 1251 which contained an authorization provision identical to that in H.R. 4487. However, it did not contain provisions that were in H.R. 4487 pertaining to labeling and chemicals proposed for use as pesticides. Senate and House actions came too late in the session to enable the legislation to go to conference in order to resolve the differing provisions of the two bills.

Early in the first session of this Congress H.R. 4157 was introduced, which is identical to H.R. 4487 of the last Congress. Hearings were held on June 22, 1965, on H.R. 4157, S. 1623, and related bills.

Your committee noted that all of the departmental reports were unfavorable to H.R. 4157 mainly because of the provision in the bill relating to labeling. It was stated that this requirement is being carried out administratively through an interdepartmental agreement entered into among the Departments of the Interior; Agriculture; and Health, Education, and Welfare, which was developed as a result of the President's Science Advisory Committee report on the "Use of Pesticides." With respect to the other provision in H.R. 4157 (but not in S. 1623), which would authorize research on chemicals proposed for use as pesticides, distribution of such information, and utilization of existing facilities for such purposes, it was declared to be unnecessary by the Interior Department witness as the Department had ample authority to carry out these activities under the Fish and Wildlife Act of 1956. Your committee, in its wisdom, accepted the recommendations of the departments and unanimously recommends the adoption of S. 1623, which has to do only with the funds authorized to be appropriated.

NEED FOR THE LEGISLATION

Your committee feels that an excellent explanation for the need of this legislation can be found in the statement of Dr. Stanley A. Cain, Assistant Secretary of the Interior for Fish and Wildlife, presented at the open hearings on June 22, 1965, before the Subcommittee on Fisheries and Wildlife Conservation, on S. 1623 and related bills. Excerpts from that statement are as follows:

The Fish and Wildlife Service has studied the effects of chemical pesticides, particularly DDT, on fish and wildlife for more than 20 years. After receiving specific authorization and appropriations, the Service has broadened its studies to cover other chemicals and other species of animals.

Interior is a user of pesticides in many of its programs, and is not opposed to their use, because we know the benefits that these chemicals can bring. At the same time, through our background of studies of * * *, we know that some pesticides pose serious hazards and must be used with extreme caution against proper targets.

Research to date has demonstrated some really disturbing facts about minute quantities of pesticide chemicals used in improper manner and reaching unexpected environments.

* * * * *

DDT concentrations of one part per billion will kill blue crabs in coastal estuaries within 8 days. Commercially

important brown and pink shrimp exposed to less than 0.5 part per billion of another chemical were paralyzed in 48 hours, and presumably would have died had they been in their natural environments.

Oysters exposed to DDT at 0.5 part per million in small tanks removed over half of the pesticides from the water within 6 hours and concentrated it in their bodies * * *.

The Department of the Interior is deeply concerned about the ways in which pesticides turn up in unlikely places. We have found them in penguins and seals in Antarctica as well as in animals in the far north, far removed from any local spray programs.

They are found in the wild game taken by sportsmen. Commercial fishermen have no control over the ways in which pesticides may reach and be stored in the flesh of their product. Although our past research has given us much information, we believe that much more should be obtained to prevent the decimation of fish and wildlife populations and the contamination of their environments.

For example, we hope to monitor the occurrence of pesticide residues in commercial fish and shellfish in their natural environments, in recreationally important fish species, and in wild birds and mammals * * *.

Much of the Department of the Interior's pesticide research programs must be extended to studying the long-term effects on fish and wildlife populations * * *.

Residues accumulated in fish and wildlife as they consume other animals are greatly magnified to the point where acute poisoning and tissue damage ultimately result. We know almost nothing about the biological and toxicological significance of continued exposure to small quantities of these chemicals either in animals or in man.

Neither do we know what happens when these chemicals are mixed in small quantities over long periods of time * * *.

We like to believe that the Department of the Interior is on the right track in its current research on the ecological implications of pesticides to animals, particularly fish and game, and indirectly to man himself.

* * * For these reasons, we feel that the current ceilings are too low. We also repeat the suggestion that no ceiling be imposed, relying instead upon the annual review of congressional appropriations committees to evaluate our progress and our use of these very important funds for pesticide research.

Your committee noted that on May 15, 1963, the President's Science Advisory Committee issued its report on the "Use of Pesticides," wherein it recommended—

expanded research and evaluation by the Department of the Interior of the toxic effects of pesticides on wild vertebrates and invertebrates.

Your committee further noted that the witnesses from the Departments of Interior and Agriculture, in their support of the legislation, stated that the President in his message to the Congress on

natural beauty, of February 8, 1965, pointed to the need for increased research on pesticides and recommended the removal of the ceiling on such research. Further, the witnesses stated that consistent with the President's request, legislation was introduced in the Senate which would eliminate the ceiling on pesticide research and authorize such sums as may be necessary to carry out the purposes of the act (S. 1623 as originally introduced).

Your committee was advised by the witness from the Interior Department that the maximum amount authorized to be appropriated under the act of August 1, 1958, \$2,565,000, had been appropriated for fiscal year 1965, and that the Department of the Interior's planned program for that year called for expenditures of about \$3.5 million. It was further explained that because of the increased need for expanded pesticide research, projected plans call for the expenditure of approximately \$5 million for the next fiscal year and \$7 million each year thereafter. In view of the foregoing, your committee is of the opinion that a ceiling should be placed on the authorized appropriation approximating the current needs. Therefore, your committee unanimously recommends the adoption of S. 1623, which would increase the authorization for pesticide research to \$3.2 million for fiscal 1966, and \$5 million annually for fiscal years 1967 and 1968.

It was the thinking of your committee that this legislation should be limited to a period of 3 years so that at the termination of the program the Congress would have an opportunity again to review the needs for pesticide research.

COST OF THE LEGISLATION

The cost of this legislation authorized by S. 1623 for fiscal year 1966 is \$3.2 million and \$5 million annually for fiscal years 1967 and 1968.

DEPARTMENTAL REPORTS

Departmental reports received on the bill are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 21, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. BONNER: There is pending before your committee S. 1623, a bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource, which passed the Senate on April 29, 1965. Since this legislation greatly concerns this Department, we would like to comment on it.

S. 1623 amends the act of August 1, 1958, as amended (16 U.S.C. 742d-1). This act directs the Secretary of the Interior to undertake a comprehensive and continuing program of study and research on the effects of pesticides on our Nation's fish and wildlife. The purpose of this program is to find amounts, percentages, and formulations of pesticidal chemicals which can be used safely, and which will prevent losses to this valuable resource. An annual appropriation of \$280,000

was authorized to carry out this program. In 1959 this amount was increased to \$2,565,000. This is the present ceiling on pesticide research.

S. 1623 increases the ceiling on appropriations to \$3.2 million in fiscal year 1966 and to \$5 million in each of the 2 subsequent fiscal years. Although the program now is not limited in time, S. 1623 does not specifically authorize any appropriations to carry out the program after fiscal year 1968.

While we think that the increased ceiling provided in S. 1623 could be helpful in carrying out our pesticide research program, we think that the proposed bill recommended by the Department in its letter to the Speaker of the House of Representatives dated February 25, 1965, offers the best approach to this problem.

Our proposed bill was submitted to the Congress on the request of the President in his recent message on natural beauty. We therefore recommend the enactment of that bill in lieu of S. 1623. A copy of the bill is enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program. The Bureau also advises that the proposed legislation transmitted to the Congress by the Department of the Interior on February 25, 1965, relating to the removal of the ceiling on pesticide research is in accord with the program of the President.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

A BILL To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read, as follows:

"SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 22, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of May 6, 1965, for a report on S. 1623, a bill to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

The bill would increase the authorized annual appropriation for pesticide research by the Department of the Interior from \$2,565,000

to \$3.2 million for fiscal year 1966 and \$5 million annually for fiscal years 1967 and 1968.

This Department has no objection to the enactment of legislation for this purpose. However, we prefer the proposed legislation submitted to the Congress by the Department of the Interior (S. 1623, as introduced).

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 8, 1965.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: We wish to thank you for your letter of May 6, 1965, giving us the opportunity to report on Senate bill 1623. The bill is entitled "To amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource."

The purpose of the bill is to increase the ceiling on appropriations to \$3.2 million in 1966 and to \$5 million in each of the 2 subsequent fiscal years to enable the Secretary of the Interior to conduct a program of evaluating chemicals proposed for use as pesticides to determine if they are harmful or hazardous to fish and wildlife resources.

This Department favors legislation that would provide new and more extensive research data in the relation of pesticides to fish and wildlife and increased information to this Department for use in the administration of the Federal Insecticide, Fungicide, and Rodenticide Act. The President's message on natural beauty recommended the removal of the ceiling on pesticide research in the Department of the Interior. Therefore, we recommend that S. 1623 be amended to eliminate the ceilings on funds and the fiscal limitations.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 85-582, 85TH CONGRESS (72 STAT. 479), AS
AMENDED

* * * * *

That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides, and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

[SEC. 2. The sum of \$2,565,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.]

SEC. 2. *In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to exceed \$5,000,000 for each of the two fiscal years immediately following such year.*



Union Calendar No. 432

89TH CONGRESS
1ST SESSION

S. 1623

[Report No. 1002]

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1965

Referred to the Committee on Merchant Marine and Fisheries

SEPTEMBER 14, 1965

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Act of August 1, 1958 (72 Stat. 479),
4 as amended by the Act of September 16, 1959 (73 Stat.
5 563), is amended to read as follows:

6 “SEC. 2. In order to carry out the provisions of this
7 Act, there are authorized to be appropriated for the fiscal
8 year ending June 30, 1966, not to exceed \$3,200,000, and

1 not to exceed \$5,000,000 for each of the two fiscal years
 2 immediately following such year."

Passed the Senate April 29, 1965.

Attest: **FELTON M. JOHNSTON,**
Secretary.

AN ACT

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

MAY 3, 1965

Referred to the Committee on Merchant Marine and
 Fisheries

SEPTEMBER 14, 1965

Committed to the Committee of the Whole House on
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Sept. 21, 1965
For actions of Sept. 20, 1965
89th-1st; No. 173

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HIGHLIGHTS: House conferees were appointed on farm bill.

HOUSE

1. FARM BILL. Conferees were appointed on H. R. 9811, the farm bill. Senate conferees have already been appointed. p. 23474
2. FORESTRY. Passed without amendment S. 1764, to authorize acquisition of certain lands in the Uinta National Forest, Utah. This bill will now be sent to the President. pp. 23434-5, 23444-5
3. STOCKPILING. Passed as reported H. R. 6852, to authorize disposal of about 47 million pounds of abaca from the national stockpile without the 6-month waiting period. p. 23438
Passed without amendment H. R. 10516, to authorize disposal of vegetable tannin from the national stockpile. p. 23499

4. ALASKA. Passed without amendment S. 1190, to provide that certain limitations shall not apply to certain land patented to Alaska for use of the University of Alaska. (p. 23440). This bill will now be sent to the President.
5. FISH CONSERVATION. Passed under suspension of the rules H. R. 23, to authorize Interior to initiate a program for conservation, development, and enhancement of the Nation's anadromous fish in cooperation with the States. pp. 23479-83
6. PESTICIDES. Passed under suspension of the rules S. 1623, to increase the authorization to Interior for research on the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife., p. 23483
7. OCEANOGRAPHY. Passed under suspension of the rules S. 944, to authorize expanded research and development in the marine environment, etc. pp. 23483-95
8. LABOR STANDARDS; CONTRACTS. Passed under suspension of the rules H. R. 10238, to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies. pp. 23495-7
9. BUILDINGS AND GROUNDS. Passed under suspension of the rules H. R. 9830, to authorize executive agencies to pay a State or political subdivision for sidewalk repair or replacement around their buildings. pp. 23497-500
10. FARM PROGRAM. Rep. Langen inserted a speech by John Harms (Kiplinger) before the House Republican Task Force on Agriculture. pp. 23506-8
11. RETIREMENT. The Post Office and Civil Service Committee reported with amendment H. R. 969, to authorize redetermination under the Civil Service Retirement Act of annuities of certain reemployed annuitants (H. Rept. 1035). p. 23522
12. LEGISLATIVE PROGRAM. Today (September 21) the House is to consider the Private Calendar, the water pollution bill, and the rivers and harbors and flood control bill. p. D941

SENATE

13. WEIGHTS AND MEASURES. Passed with amendment S. 774, to authorize the Secretary of Commerce to make a study to determine the advantages and disadvantages of increased use of the metric system in the United States. pp. 23527-31
14. TARIFF. Agreed to the conference report on H. R. 5768, to extend for an additional three years, until Nov. 7, 1968, the existing suspension of duties on certain classifications of silk yarn, and to provide for a study of the feasibility of separate classifications for yarns of man-made fibers commonly referred to as textured or texturized yarns. This bill will now be sent to the President. p. 23534
Agreed to the conference report on H. R. 7969, to correct certain errors in the U. S. Tariff Schedules (pp. 23534-36). The bill includes a provision for duty-free treatment for machines with photoelectric sensing devices for the sorting, on the basis of color only, of beans, peas, nuts, or similar agricultural products. This bill will now be sent to the President.
15. TRANSPORTATION. Agreed to the conference report on S. 1588, to authorize the Secretary of Commerce to undertake research, development, and demonstration in high-speed ground transportation. This bill will now be sent to the President. pp. 23554-57

Mr. MEEDS. Mr. Speaker, I rise today in support of H.R. 23, a measure to assist programs that may very well prove the key to conserving America's anadromous fisheries resources.

As I am speaking today, fishermen in the State of Washington are very concerned about this year's meager run of pink salmon. There is mounting evidence that the escapement of salmon to fresh water streams and their subsequent return to their spawning grounds is not sufficient to provide an adequate return for the fishermen's investment.

The legislation before us can help to meet this crisis. H.R. 23 will authorize the Secretary of the Interior to enter into cooperative agreements with the several States and with other non-Federal interests in order to promote meaningful programs designed to assure a larger sustained yield of salmon and other anadromous fish.

In my own State of Washington there are many responsible citizens who see the development of fish farms as means of protecting and enlarging our salmon harvest. Other responsible citizens feel that there are numerous programs by which this goal can be attained. Part of the \$25 million authorized in this legislation could assist in developing new techniques on experimental fish farms. And the results of such an experiment may equal or better the striking success of Japan in this area. In any event, new techniques and methods must be found and developed.

This legislation will assist in the development of fish ladders and other devices to augment anadromous spawning. For example, many people feel that hydroelectric dams, such as we have on the Columbia River, are incompatible with the goal of fisheries conservation. Fish ladders have put this theory into question. Fish swimming upstream are biologically "timed" to spawn at a certain point in their journey. Some would say that dams result in fish being delayed, thereby causing the fish to release their eggs prematurely. Others say that fish ladders prevent this premature releasing of eggs. We need to know more about this question. Perhaps we will find that an expanded program of fish ladders, conducted perhaps with new techniques, may increase the annual return of spawning salmon and may assure a greater crop of fingerlings.

H.R. 23 will also enable the Secretary of the Interior to help in the rehabilitation of streams. We know that even small amounts of contamination in rivers can seriously confuse the behavior of salmon swimming upstream. The effects of pollution are known to everyone. But what about the degree of oxygen in a stream? Is it or is it not sufficient to sustain a returning fish? A concentrated effort in this area is needed.

Salmon are also severely injured whenever a stream is dredged during spawning time. Disturbing a stream bed may result in the destruction of millions of eggs. This legislation will facilitate research and development on this problem.

I emphasize the potential this legislation has for assuring a bountiful anad-

romous fisheries harvest in future years. But unless we act now, we may see our fish supply diminish to the point where conservation programs would become meaningless in terms of commercial harvesting. We need answers. We cannot find the answers unless we experiment. I strongly urge the House to approve H.R. 23 and to thus authorize an investment which may very well return a substantial blessing to this Nation in years to come.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H.R. 23, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "To authorize the Secretary of the Interior to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members be afforded 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROTECTION OF FISH AND WILDLIFE FROM PESTICIDES

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1623) to amend the act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read as follows:

"SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to exceed \$5,000,000 for each of the two fiscal years immediately following such year."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, this is an important piece of legislation. It has been endorsed unanimously by every Federal agency that has reported upon it. It has the support of all the private conservation agencies and the State game and fish conservation commissions across the country.

This piece of legislation imposes a 3-year limitation on what otherwise was a program that was open-ended insofar as time is concerned. It raises the existing amount of money authorized for research into the effects of pesticides on fish and wildlife from \$2,565,000 to \$3,200,000 for the first year, and then to \$5 million for each of the next 2 years.

It is a piece of legislation which has an important place in conservation and is one of the pieces of legislation which President Johnson mentioned in one of his messages to the Congress.

Mr. PELLY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, S. 1623 would increase the ceiling on authorized annual appropriations for pesticide research from \$2,565,000 to \$3,200,000 annually for fiscal years 1967 and 1968.

I think the hearings adequately justified the need for this increase. Already, research has indicated some frightening facts as to the danger to wildlife by minute quantities of chemicals which find their way into and pollute our streams and other waters.

I support this legislation which was approved unanimously by the House Subcommittee on Fish and Wildlife.

I urge its adoption.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, S. 1623?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1965

Mr. LENNON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 944) to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Resources and Engineering Development Act of 1965".

DECLARATION OF POLICY AND PURPOSES

SEC. 2. (a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

(1) The accelerated development of the resources of the marine environment.

(2) The expansion of human knowledge of the marine environment.

(3) The encouragement of private investment enterprise in exploration, technological

development, marine commerce, and economic utilization of the resources of the marine environment.

(4) The preservation of the role of the United States as a leader in marine science and resource development.

(5) The advancement of education and training in marine science.

(6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.

(7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.

(8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

RESPONSIBILITIES

SEC. 3 (a) In conformity with the provisions of section 2 of this Act, it shall be the duty of the President to—

(1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

(2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;

(3) designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States;

(4) insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this Act, including differences as to whether a particular project is a marine science activity.

(5) undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;

(6) establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the cost involved in obtaining such benefits; and

(7) issue a statement of national goals with respect to marine science.

(b) In the planning and conduct of a coordinated Federal program the President shall utilize such staff, interagency, and non-Government advisory arrangement as he may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine science.

COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

SEC. 4. (a) The President shall establish a Commission on Marine Science, Engineering, and Resources (in this Act referred to as the "Commission"). The Commission shall be composed of fifteen members appointed by the President, including individuals drawn from Federal and State governments, industry, universities, laboratories and other insti-

tutions engaged in marine scientific or technological pursuits. The President shall select a Chairman and Vice Chairman from among the members. The Vice Chairman shall act as Chairman in the latter's absence.

(b) The Commission shall make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs. The Commission shall undertake a review of existing and planned marine science activities of the United States in order to assess their adequacy in meeting the objectives set forth under section 2(b), including the following:

(1) Review the known and contemplated needs for natural resources from the oceans to maintain our expanding national economy.

(2) Review the surveys, applied research programs, and ocean engineering projects required to obtain the needed resources from the ocean.

(3) Review the existing national research programs to insure realistic and adequate support for basic oceanographic research that will enhance human welfare and scientific knowledge.

(4) Review the existing Government and industrial oceanographic and ocean engineering programs, including education and technical training to determine which programs are required to advance our national oceanographic competence and stature and which are not now adequately supported.

(5) Analyze the findings of the above reviews, including the economic factors involved, and recommend an adequate national marine science program that will meet the present and future national needs without unnecessary duplication of effort.

(6) Recommend a governmental organizational plan with estimated cost.

(c) Members of the Commission appointed from outside the Government shall each receive \$100 per diem when engaged in the actual performance of duties of the Commission and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2) for persons employed intermittently. Members of the Commission appointed from within the Government shall serve without additional compensation to that received for their services to the Government but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized in the Act of June 9, 1949, as amended (5 U.S.C. 835-842).

(d) The Commission shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Commission may secure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810) but at rates not to exceed \$100 per diem for individuals.

(e) The Chairman of the Commission shall be responsible for (1) the assignment of duties and responsibilities among such personnel and their continuing supervision, and (2) the use and expenditures of funds available to the Commission. In carrying out the provisions of this subsection, the Chairman shall be governed by the general policies of the Commission with respect to the work to be accomplished by it and the timing thereof.

(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services:

Provided, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *And provided further*, That the Commission shall not be required to prescribe such regulations.

(g) The Commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission upon request made by the Chairman.

(h) The Commission shall submit to the President and the Congress not later than eighteen months after the establishment of the Commission as provided in subsection (a) of this section, a final report of its findings and recommendations. The Commission shall cease to exist thirty days after it has submitted its final report.

REPORTS

SEC. 5. (a) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science activities during the preceding year, and (2) an evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this Act.

(b) Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable for the attainment of the objectives of this Act, and shall contain an estimate of funding requirements of each agency and department of the United States for marine science activities during the succeeding fiscal year.

(c) No information which has been classified for reasons of national security shall be included in any report made under this section, except pursuant to authorization given by the President.

DEFINITIONS

SEC. 6. For the purposes of this Act the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, engineering and technology in and with relation to the marine environment; and the term "marine environment" shall be deemed to include (a) the oceans, (b) the Continental Shelf of the United States, (c) the Great Lakes, (d) seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such area, (e) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

AUTHORIZATION

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, but sums appropriated for any one fiscal year shall not exceed \$1.5 million.

Amend the title so as to read: "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a Commission on Marine Science, Engineering, and Resources, and for other purposes."



Public Law 89-232
89th Congress, S. 1623
October 1, 1965

An Act

79 STAT. 902

To amend the Act of August 1, 1958, relating to a continuing study by the Secretary of the Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses to this resource.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended by the Act of September 16, 1959 (73 Stat. 563), is amended to read as follows:

"SEC. 2. In order to carry out the provisions of this Act, there are authorized to be appropriated for the fiscal year ending June 30, 1966, not to exceed \$3,200,000, and not to exceed \$5,000,000 for each of the two fiscal years immediately following such year."

Approved October 1, 1965.

Fish and wild-
life.
Pesticides study,
extension.
16 USC 742d-1
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1002 (Comm. on Merchant Marine & Fisheries).

SENATE REPORT No. 169 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Apr. 29: Considered and passed Senate.

Sept. 20: Considered and passed House.

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